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इस भाग में सिवा पृष्ठ संख्या दी जाती है जिससे कि वह संपूर्ण संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 29 अगस्त, 2001

का आ 2556—सरकारी स्थान (अनाधिकृत अधिकारियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, कमांडेंट (लेखा) पुलिस महानिरीक्षक, पूर्वी सेक्टर कार्यालय, के रिपु बल को भारत सरकार के एक राजपत्रित अधिकारी होने के नाते उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी के रूप में नियुक्त करती है और आगे यह निर्देश देती है कि उक्त अधिकारी उक्त अधिनियम के द्वारा अपने क्षेत्राधिकार की सीमा के अधीन साल्ट लेक, सेक्टर-3, 5 एवं 47 स्ट्रैंड रोड, कोलकाता के स्थान जो केन्द्रीय रिजर्व पुलिस बल का है/नियंत्रण में है उसके बारे में संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उसके लिए दिए गए कर्तव्यों का पालन करेगा

[स ए दो 14/98-2001-प्रशा-I/केरिपु बल/ गृह मंत्रालय-पीएफ-3]

एम एस कलानिया, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi the 29th August, 2001

S. O. 2556.- In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of un-authorised occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Commandant (Accounts), Office of the IGP, Eastern Sector, CRPF, Salt Lake, Kolkata, being a Gazetted Officer of the Government of India to be the Estate Officer for the purpose of the said Act, and directs that the said officer shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act in respect of the Public premises under the control of occupation of the Central Reserve Police Force, at Salt Lake, Sector-III, V and 47, Strand Road, Kolkata.

[No. A. II. 14/98-2001—Adm-I/CRPF/MHA/PF. III]

M. S. KALANIA, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 6 सितम्बर, 2001

स्टाम्प

का.आ.2557.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. डालमिया सीमेंट (भारत) लिमिटेड, तिरुचिरापल्ली को मात्र पन्द्रह लाख तीस हजार तीन सौ चौहत्तर रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र मात्र करोड़ पैंसठ लाख सोलह हजार दो सौ दस रुपये के समग्र मूल्य के प्रत्येक दस-दस रुपये के 1 से 7651621 तक की विशिष्ट संख्या वाले 6 प्रतिशत सुरक्षित अप्रतिवर्तनीय वंधपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 43/2001-स्टाम्प फा. सं. 33/54/2001-वि.क.]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

Now Delhi, the 6th September, 2001

STAMPS

S.O. 2557.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Dalmia Cement (Bharat) Limited, Tiruchirapalli to pay consolidated stamp duty of rupees fifteen lakh thirty thousand three hundred seventy four only chargeable on account of the stamp duty on bonds described as 6 % Secured Non Convertible Debentures bearing distinctive numbers from 1 to 7651621 of ten rupees each aggregating to rupees seven crore sixty five lakh sixteen thousand two hundred ten only, to be issued by the said company.

[No. 43/2001-STAMPS F. No. 33/54 2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 12 सितम्बर, 2001

स्टाम्प

का.आ.2558.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा मै. आई.सी.आई.सी.आई. लिमिटेड, मुम्बई को मात्र दो

करोड़ आठ लाख आठ सौ पचहत्तर रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र दो सौ सतहत्तर करोड़ चौतीस लाख पचास हजार रुपये के समग्र मूल्य के ऋणपत्रों के स्वरूप वाले 554690 आई. सी.आई.सी.आई. असुरक्षित विमोच्य वंधपत्रों (जुलाई, 2001 निर्गम) पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 44/2001-स्टाम्प-फा. सं. 33/55/2001-वि.क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

Now Delhi, the 12th September, 2001

STAMPS

S. O. 2558.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of rupees two crore eight lakh eight hundred seventy five only chargeable on account of the stamp duty on 554690 ICICI Unsecured Redeemable Bonds (July, 2001 Issue) in the nature of Debentures aggregating to rupees two hundred seventy seven crores thirty four lakh fifty thousand only, to be issued by the said company.

[No. 44/2001-STAMPS F. No. 33/55/2001-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 21 सितम्बर, 2001

का.आ.2559.—अतः संयुक्त मन्त्रिषु भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/18/2001-सी-यू-एस.-VIII दिनांक 14-8-2001 को जारी किया गया और यह निर्देश दिया कि श्री ताफिक हाजी गफ्फार, मुमुतु श्री हाजी गफ्फार, निवासी 9/10, शाहीमार अपार्टमेंट, प्रथम तल, शाहीमार सोसाइटी, अदाजन पातया, सूरत, को निरुद्ध कर लिया जाय तथा केन्द्रीय कारागार बंदोदरा, में अभिरक्षा में रखा जाए जिसमें कि उन्हें भविष्य में जीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त सूरत के सम्मुख उपस्थित हो ।

[फा. सं. 673/18/2001-सी.यू.एस.—VIII)]

विजय के. शर्मा, उप सचिव

ORDER

New Delhi, the 21st September, 2001

S.O. 2559.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/18/2001-Cus. VIII, dated 14-08-2001 under the said sub-section directing that Shri Taufik Haji Gaffar, S/o Shri Haji Gaffar (1) R/o 9/10, Shalimar Apt., 1st Floor, Shalimar Society, Adajan Patya, Surat (2) Office Address : 25/26, Super Yarn Market, Zampa Bazar, Main Road, Surat be detained and kept in custody in the Central Prison, Vadodara with a view to preventing him from Smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Surat within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/18/2001-Cus. VIII]

VIJAY K. SHARMA, Dy. Secy.

(स्वापक नियंत्रण प्रभाग)

(विधि कक्ष)

चेन्नई, 11 सितम्बर, 2001

का.आ. 2560.—स्वापक औपधि और मनःप्रभावी पदार्थ अधिनियम, 1985 (1985 का 61) की धारा 36 ग के साथ पठित दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री एन. पी. कुमार, एडवोकेट को स्वापक औपधि एवं मनःप्रभावी पदार्थ अधिनियम, 1985 के अंतर्गत, केन्द्रीय सरकार की

ओर से स्वापक नियंत्रण ब्यूरो के मामलों की तमिलनाडु राज्य में स्थित विशेष अदालतों में पैरवी के लिए तीन वर्ष की अवधि के लिए अथवा अगले आदेश होने तक इनमें से जो भी पहले हो, विशेष सरकारी अभियोजक नियुक्त करती है ।

परन्तु यह कि श्री एन.पी. कुमार, केन्द्र अथवा राज्य सरकार द्वारा उक्त तीन वर्षों की अवधि के दौरान स्वापक औपधि और मनःप्रभावी पदार्थ अधिनियम, 1985 के अंतर्गत किये गये किसी अपराध के लिए बुक किये गये किसी अपराधी की ओर से बचाव पक्ष के रूप में पेश नहीं होंगे ।

[फा.सं. 4/4/2001-एन.सी.डी. (विधि)]

एस. कुमार, उप विधि सलहकार

(Narcotics Control Division)
(Legal Cell)

Chennai, the 11th September, 2001

S.O. 2560.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), read with Section 36C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby appoints Shri N. P. Kumar, Advocate, as Special Public Prosecutor for the purpose of conducting cases of Narcotics Control Bureau on behalf of the Central Government under the Narcotic Drugs and Psychotropic Substances Act, 1985 in the Special Courts in the State of Tamil Nadu, for a period of three years or until further orders, whichever is earlier.

Provided that Shri N. P. Kumar shall not appear as a defence counsel on behalf of any accused booked by the Central or a State Government for any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, during the said period of three years.

[F. No. IV/4/2001-NCD (Legal)]

S. KUMAR, Dy. Legal Adviser

चेन्नई, 11 सितम्बर, 2001

का.आ. 2561.—स्वापक औपधि और मनःप्रभावी पदार्थ अधिनियम, 1985 (1985 का 61) की धारा 36 ग के साथ पठित दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री पी.एन. प्रकाश, एडवोकेट को स्वापक औपधि एवं मनःप्रभावी पदार्थ अधिनियम, 1985 के अंतर्गत, केन्द्रीय सरकार की ओर से स्वापक नियंत्रण ब्यूरो के मामलों की तमिलनाडु राज्य में चेन्नई स्थित उच्च न्यायालय में पैरवी के लिए तीन वर्ष की अवधि के लिए अथवा अगले आदेश होने तक इनमें से जो भी पहले हो, विशेष सरकारी अभियोजक नियुक्त करती है ।

परन्तु यह कि श्री पी.एन. प्रकाश, केन्द्र अथवा राज्य सरकार द्वारा उक्त तीन वर्षों की अवधि के दौरान स्वापक अधिधि और मत-प्रभावी पदार्थ अधिनियम, 1985 के अंतर्गत किये गये किसी अपराध के लिए बुक किए गये किसी अपराधी की ओर से बचाव पक्ष के रूप में पेश नहीं होंगे।

[फा.सं. IV/4/2001-एन.सी.डी. (विधि)]

एम. कुमार, उप विधि सलाहकार

Chennai, the 11th September, 2001

S.O. 2561.—In exercise of the powers conferred by sub-section(8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), read with section 36C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby appoints Shri P. N. Prakash, Advocate, as Special Public Prosecutor for the purpose of conducting cases of Narcotics Control Bureau on behalf of the Central Government under the Narcotic Drugs and Psychotropic Substances Act, 1985 in the High Court at Chennai in the State of Tamil Nadu, for a period of three years or until further orders, whichever is earlier.

Provided that Shri P. N. Prakash shall not appear as a defence counsel on behalf of any accused booked by the Central or a State Government, for any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, during the said period of three years.

[F. No. IV/4/2001-NCD (Legal)]
S. KUMAR, Dy. Legal Adviser

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 11 अप्रैल, 2001

(आयकर)

का.आ. 2562.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा “डिवीन लाईफ सोसायटी, ऋषिकेश (यू. पी.)” को 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय या इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर

अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परि-सम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को देय दी जाएंगी ।

[अधिसूचना सं. 94/2001-फा. सं. 197/19/2001-आयकर नि.-1)]

समर भद्र, अव्वर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 11th April, 2001

(INCOME TAX)

S. O. 2562.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax, Act, 1961 (43 of 1961), the Central Government hereby notifies the “Divine Life Society, Rishikesh (U.P.)” for the purpose of the said sub-clause for the assessment year 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects -for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section 5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of

accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 94/2001/F. No. 197/19/2001-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 2 मई, 2001

(आयकर)

का.आ. 2563.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23अ) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "श्री रानीजी सती मन्दिर, कलकत्ता" को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक तंत्र अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलेख हों जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निवेदन रूप में आयकर प्राधिकारी के समक्ष फाइल करेगा

(v) विवरण की स्थिति में अनिवारित राशियों और परिसंपत्तियों संगत उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 114/2001—फा. सं. 197/10/2001-आईटीए-1]

प्रोमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001

(INCOME TAX)

S. O. 2563.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Raniji Sati Mandir, Calcutta" the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 114/2001/F. No. 197/10/2001-ITA-1]

PROMILA BHARDWAJ, Director

नई दिल्ली, 28 मई, 2001

(आयकर)

का.आ. 2564.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23अ) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वारा "चीफ खालसा दीवान अमृतसर, पंजाब" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैसे जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु आदि-के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अनिश्चित राशियों और परि-सम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेगी ।

[अधिसूचना सं. 134/2001/फा. सं. 197/101/2000—
आई टी ए-1]

समर भद्र, अवसर सचिव

New Delhi, the 28th May, 2001

(INCOME TAX)

S.O.2564.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Chief Khalsa Diwan

Amritsar, Punjab" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No./134/2001/F.No.197/101/2000-ITA-1]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 13 मियम्बर, 2001

(आयकर)

का.आ. 2565.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते "केंद्रीय सरकार एतद्वारा "डिफेंस एकाउन्ट्स स्पोर्ट्स कंट्रोल बोर्ड, नई दिल्ली" को 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा तथा संशोधित धारा 11 की उपधारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा

तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) कर निर्धारिती इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 260/2001-फा. सं. 196/8/2000-आयकर नि. -I]

आई.पी. एस. बिन्द्रा, अवसर सचिव

New Delhi, the 13th September, 2001

(INCOME TAX)

S.O. 2565.—In exercise of the powers conferred by clause (23) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Defence Accounts Sports Control Board, New Delhi" for the purpose of the said clause for assessment years 1997-98 to 1999-2000 subject to the following conditions namely :—

(i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of Sub-sections (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and

(iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 260/2001/F.No.196/8/2000-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 मितम्बर, 2001

(आयकर)

का.आ. 2566.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एन.डी.आर. "रेमलिंग फेडरेशन ऑफ इंडिया, नई दिल्ली" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उपधारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) कर निर्धारिती इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जानी हों।

[अधिसूचना सं. 261/2001/फा. सं. 196/5/2001-आयकर नि. -I]

आई. पी. एस. बिन्द्रा, अवसर सचिव

New Delhi, the 13th September, 2001

(INCOME TAX)

S.O. 2566.--In exercise of the powers conferred by clause (23) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Wrestling Federation of India, New Delhi" for the purpose of the said clause for assessment years 1998-99 to 2000-2001 subject to the following conditions namely : -

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-sections (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it, and
- (iv) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 261/2001/F. No. 196/5/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

कार्यालय आयुक्त केन्द्रीय उत्पाद शुल्क

चण्डी ङ्क, 31 अगस्त, 2001

संख्या 3/2001-एन.टी. (सीमा)

का.आ.2567--भारत सरकार वित्त मंत्रालय, राजस्व विभाग

नई दिल्ली की अधिसूचना संख्या 33/94-सीमा (एन.टी.) दिनांक 1-7-94 में प्रदत्त शक्तियों का प्रयोग करते हुए पंजाब राज्य में गांव व डाकघर सरायखाम, तहसील जालंधर, जिला जालंधर की शतप्रतिशत नियतिस्मृति युक्तियों के उद्देश्य के लिए एतद्वारा सीमा शुल्क अधिनियम, 1962 (1962 की संख्या

52) की धारा 9 के अन्तर्गत भाण्डागार स्टेशन घोषित किया जाता है।

[फा. सं. VIII (मु.) 40/3/सीमा/2001/2560-2579]

एफ. एम. जसवाल, आयुक्त

Office of the Commissioner Central Excise

No. 3/2001-NT (Cus)

CHANDIGARH the 31st August, 2001

Notification

S. O. 2567.--In exercise of the powers conferred by Notification No. 33/94-Cus (NT) dated 01-07-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, V & P. O. Sarai Khas, Tehsil Jalandhar, Distt. Jalandhar in the state of Punjab is hereby declared to be a warehousing station under section 9 of the Customs Act, 1962 (No. 52 of 1962) for the purpose of setting up of Hundred per cent Export Oriented Units (100 % EOU).

[C. No. VIII (HQ) 40/3/CUS/2001/2560-2579]

F. M. JASWAL, Commissioner

(आर्थिक कार्य विभाग)

(बैकिंग प्रभाग)

नई दिल्ली, 7 मिनम्बर, 2001

का.आ. 2568:--भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा 3(क) और उपधारा (4) के साथ पठित धारा 19 के खंड (घ) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के साथ परामर्श करके, एतद्वारा निम्नलिखित व्यक्तियों को 17 जुलाई, 2001 से तीन वर्षों की अवधि के लिए भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक नामित करती है :-

1. श्री किरीन शास्तीलाल पारेख, सेवामुक्त प्रोफेसर, इंदिरा गांधी विकास अनुसंधान संस्थान, प्लॉट नं. ए-1/ए2, आई जी आई डी आर कॉम्पस, जनरल ए आर वैद्य मार्ग, गोरगांव (पूर्वी) मुम्बई।

2. श्री एकनाथ केशव ठाकुर, व्यावसायिक (राष्ट्रीय बैंकिंग स्कूल के संस्थापक निदेशक) बी/7, बागेशरी शंकर घातेकर मार्ग, प्रभादेवी, मुम्बई 400025।

3. श्री सुबोध कुमार भार्गव, सहायकार आईआर गुड अर्थ लि., एम 221, पंचशील पार्क, नई दिल्ली-110017।

4. श्री एन श्रीनिवासन उपाध्याय और मुख्य निदेशक, इंडिया सीमेन्ट्स लि., 6 आर्क ब्रिजप मैथियास एवेन्यू चेन्नई-600028।

[फा. सं. 8/5/2000-बीओ-I]

रमेश चन्द, अव्वर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th September, 2001

S. O. 2568. In pursuance of clause (d) of Section 19 read with Sub-section 3 (A) and Sub-section (4) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates the following persons, to be Directors of the Central Board of State Bank of India for a period of three years with effect from 17th July, 2001:-

1. Shri Kirit Shantilal Parikh, Emeritus Professor, Indira Gandhi Institute of Development Research, Flat No. A 1/A 2, IGIDR Campus, Gen. A. R. Vaidya Marg, Goregaon (E), Mumbai.
2. Shri Ekanath Keshav Thakur, Businessman, (Founder Director of National School of Banking), B/7, Bageshri, Shankar Ghanekar Marg, Prabhadevi, Mumbai-400025.
3. Shri Subodh Kumar Bhargava, Advisor, Eicher Goodearth Ltd., S-221, Panchsheel Park, New Delhi-110017.
4. Shri N. Srinivasan, Vice-Chairman and Chief Director, India Cement Ltd., 6, Arch Bishop Mathias Avenue, Chennai-600028.

[No. 8/5/2000-B. O. I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 12 सितम्बर, 2001

का.आ. 2569.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (1) और (2) के उपबन्ध लाई कृष्णा बैंक लिमिटेड पर 19 अगस्त, 2001 से 18 नवम्बर, 2001 तक की तीन महीने की अवधि के लिये या बैंक के नियमित अध्यक्ष और मुख्य कार्यपालक अधिकारी के नियुक्त होने तक, जो भी पहले हो, लागू नहीं होंगे।

[सं. 13/8/2001-बीओए (i)]

डी. चौधरी, अवर सचिव

New Delhi, the 12th September, 2001

S. O. 2569.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendations of the Reserve Bank of India hereby declares that the provisions of Sub-section 2863 GI/2001—2

(1) and (2) of Section 10B of the said Act, shall not, apply to the Lord Krishna Bank Ltd. for a period of three months from 19 August, 2001 to 18 November, 2001 or till the appointment of a regular Chairman and Chief Executive Officer for that Bank, whichever is earlier.

[F. No. 13/8/2001-BOA (i)]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 12 सितम्बर, 2001

का.आ. 2570.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (9) के उपबन्ध लाई कृष्णा बैंक लिमिटेड पर दिनांक 19 अगस्त, 2001 से 18 नवम्बर, 2001 तक अथवा उक्त बैंक के लिये अध्यक्ष और मुख्य कार्यपालक अधिकारी की नियमित नियुक्ति होने तक, जो भी पहले हो, उस सीमा तक जहाँ तक बैंक पर अध्यक्ष एवं मुख्य कार्यपालक अधिकारी की इयूटी निर्वाह करने के लिये एक व्यक्ति की चार माह से अधिक अवधि के लिये नियुक्ति करने पर रोक लगाने का संबंध है, लागू नहीं होंगे।

[सं. 13/8/2001-बीओए (ii)]

डी. चौधरी, अवर सचिव

New Delhi, the 12th September, 2001

S. O. 2570.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendations of the Reserve Bank of India hereby declares that the provisions of Sub-section (9) of Section 10B of said Act, shall not to the extent the preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months, apply to the Lord Krishna Bank Ltd. from 19 August 2001 to 18 November 2001 or till the appointment of a regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 13/8/2001-BOA (ii)]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 12 सितम्बर, 2001

का.आ. 2571.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्द्वारा निम्नलिखित व्यक्तियों को 12 सितम्बर, 2001 से तीन वर्ष की अवधि के लिए यूनियन बैंक आफ इंडिया में

अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है :—

1. श्री अरुण सिंह, बैंककारी कम्पनी (उपक्रमों का सनदी लेखाकार, अर्जन एवं अंतरण) अधिनियम, एफ-7, लाजपत नगर III 1970 की धारा 9 की उपधारा नई दिल्ली-110024 (3क) के साथ पठित उपधारा (3) के खंड (ज) के अनुसरण में।

2. श्री उज्जवल देवराव निकम, एडवोकेट, 48, बैरिस्टर निकम चौक, जिला पेंठ जलगांव, जिला-जलगांव (एम एम)

[फा. सं. 9/17/2000-बी.ओ.-आई.1 (i)]
रमेश चन्द, अवसर सचिव

New Delhi, the 12th September, 2001

S.O. 2571.—In exercise of the powers conferred by Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970 the Central Government, hereby nominates the following persons as part-time non-official directors of Union Bank of India for a period of three years with effect from 12th September, 2001.

1. Shri Arun Singh, In pursuance of Chartered Accountant, clause (h) of Sub-section (3) read with F-7, Lajpat Nagar-III, Sub-section 3(A) of New Delhi-110024 Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

2. Shri Ujjwal Deorao Nikam, -do- Advocate, 48, Barrister Nikam Chowk, Zilla Peth Jalgaon Distt. Jalgaon (MS)

[F.No. 9/17/2000-B.O.I.(i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 12 सितम्बर, 2001

का.आ.2572.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण)

अधिनियम, 1970 की धारा 9 की उपधारा (3) एवं 3(क) के खंड (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री अमरनाथ सिंगला, ए-6/32, पश्चिम विहार, नई दिल्ली-110063 को 12 सितम्बर, 2001 से तीन वर्ष की अवधि के लिए केनरा बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/17/2000-बी.ओ.-आई (ii)]

रमेश चन्द, अवसर सचिव

New Delhi, the 12th September, 2001

S.O. 2572.—In exercise of the powers conferred by clause (h) of Sub-section (3) and 3(A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Amar Nath Singla, A-6/32, Paschim Vihar, New Delhi-110063 as part-time non-official director of Canara Bank for a period of three years commencing on 12th September, 2001.

[F. No. 9/17/2000-B.O.I(ii)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 19 सितम्बर, 2001

का.आ.2573.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध बैंक आफ बड़ौदा पर 15 अगस्त, 2003 तक लागू नहीं होंगे जहां तक उनका संबंध नैनीताल बैंक लि. में शेयरों की उसकी धारिता से है।

[फा. सं. 15/8/96-बी.ओ.ए]

डी. चौधरी, अवसर सचिव

New Delhi, the 19th September, 2001

S.O. 2573.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of Reserve Bank of India, hereby declares that the provisions of Sub-section (2) of Section 19 of the said Act shall not apply to Bank of Baroda upto 15th August 2003 in so far as they relate to its holding shares in the Nainital Bank Ltd.

[F. No. 15/8/96-BOA]

D. CHOUDHURY, Under Secy.

विदेश मंत्रालय

(सी. पी. वी. प्रभाग)

नई दिल्ली, 10 सितम्बर, 2001

का.आ. 2574:—राजनयिक कौंसली अधिकारी (शपथ एवं श्रुत्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में श्री जॉनसन एप्पन सहायक को भारत का वृत्तवास बुएनोस आइरेस में 23-10-2000 से 19-07-2001 तक सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2001]

योगेश नारंग, उप सचिव (कॉन्सुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C. P. V. Division)

New Delhi, the 10th September, 2001

S. O. 2574.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), Shri Johnson Eappen, Asst. in the E/I Buenos Aires was authorised to perform the duties of Assistant Consular Officer from 23-10-2000 to 19-07-2001.

[No. T. 4330/1/2001]

Y. C. NARANG, Dy. Secy. (Cons)

कोयला मंत्रालय

आदेश

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2575:—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 1283 तारीख 28 मई, 2001 के भारत के राजपत्र, भाग-II, खंड-3, उपखंड (ii) तारीख 9 जून 2001 में प्रकाशित होने पर उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विल्लगनों से मुक्त होकर, आन्तरिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लि. बिलाम्पूर (छत्तीसगढ़), सरकारी कंपनी, (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अन्तर्पालन करने के लिए राजमंद है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार तारीख 9 जून, 2001 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त कंपनी में निहित हो जाएंगे, अर्थात् :—

(1) उक्त कंपनी उक्त अधिनियम के उपबंधों के अधीन अवधारित, प्रवर्धित, व्याज, नुकसान और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।

(2) उक्त कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्य-वाहियों जैसे अपील आदि की बाबत उपगत, सभी व्यय भी, उक्त कंपनी वहन करेगी।

(3) उक्त सरकारी कंपनी केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी आय व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी।

(4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना कि उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की कोई शक्ति नहीं होगी, और

(5) उक्त सरकारी कंपनी ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हों, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएंगे या अधिरोपित की जाएंगे, पालन करेगी।

[फा.सं. 43015/17/97-एनएसडब्ल्यू/पी आर आई डब्ल्यू]

संजय बहादुर, उप सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 13th September, 2001

S. O. 2575.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S. O. 1283 dated the 28th May, 2001 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 9th June, 2001, issued under Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to the said Act), the lands and all the rights in or over such lands described in the said Schedule appended to the

said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act ;

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur, Chhattisgarh, a Government company, (hereinafter referred to as the Company), is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and right in or over the lands, so vested, shall, with effect from the 9th June, 2001 instead of continuing to so vest in the Central Government, shall vest in the said Company, subject to the following terms and conditions, namely :

- (1) The said Government Company, shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
- (2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government company under conditions (1), and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the said company, and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the rights in or over the said lands, so vested, shall also be borne by the said Company.
- (3) The said Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested ;
- (4) The said Company shall have no powers to transfer the lands to any other person without the previous approval of the Central Government; and
- (5) The said Company shall abide by such directions and conditions as may be given or imposed by the Central Government

for particular areas of the said lands, a and when necessary.

[No. 43015/17/97-LSW/PRIW]

SANJAY BAHADUR, Dy. Secy.

शुद्धि पत्र

नई दिल्ली, 13 सितम्बर, 2001

का.आ.2576:—भारत के राजपत्र तारीख 30 जून, 2001 के भाग II, खंड-3, उपखंड (ii) में पृष्ठ क्रमांक 3006 में 3009 पर प्रकाशित भारत सरकार की यात्रा मंत्रालय की अधिसूचना का.आ. 1474 तारीख 31 मई, 2001 में :—

पृष्ठ क्रमांक—3006 पर, अधिसूचना में, टिप्पणी 1 में, पंक्ति 3,4 “(राजस्व खंड)” के स्थान पर “(राजस्व अनुभाग)” पढ़ें ।

पृष्ठ क्रमांक—3007 पर अनुसूची में

पंक्ति 2. “जोहिला क्षेत्र” के स्थान पर “जोहिला क्षेत्र” पढ़ें । तालिका में, ग्राम स्तम्भ के नीचे,

क्रम संख्या 3, “मुदरिया” के स्थान पर “मुदरिया” पढ़ें । तहसील स्तम्भ के नीचे,

क्रम संख्या 1, “बान्धवगढ़ के स्थान पर” “बान्धवगढ़” पढ़ें । और जहाँ कहीं भी “बान्धवगढ़” शब्द प्रयुक्त हुआ हो उसके स्थान पर “बान्धवगढ़” पढ़ें ।

1. ग्राम वाली (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक में—

पंक्ति 5. “1206 से 1330” के स्थान पर “1206 से 1320” पढ़ें ।

“ग्राम मलहदू (संपूर्ण)” के स्थान पर 2, “ग्राम मलहदू (संपूर्ण)” पढ़ें ।

3. ग्राम मुदरिया (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक में—

पंक्ति 5—“11/657” के स्थान पर “44/657” पढ़ें ।

पृष्ठ क्रमांक 3008 पर “8. ग्राम कुमर्द में अर्जित किए जाने वाले प्लॉट संख्यांक” के स्थान पर “6 ग्राम कुमर्द (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक,, पढ़ें ।

ग्राम कुमर्द (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक में—

पंक्ति 1—“46 से/53” के स्थान पर “46 से 53” पढ़ें ।

8. ग्राम गोरदया (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक में—

पंक्ति 7, 8 “54 से 52” के स्थान पर “54 से 59” पढ़ें ।

सीमा वर्णन में रेखा ग-ग 1,

पंक्ति “रेखा ग्राम खलौध” के स्थान पर “रेखा ग्राम खलौध” पढ़ें ।

पृष्ठ क्रमांक 3009, रेखा ज-ज-ज, में,

पंक्ति 1-"रेखा भागत जोहिल्ला नदी" के स्थान पर
"रेखा भागत जोहिल्ला नदी" पढ़े।

[फा. सं. 43015/5/99-पी आर आई डब्ल्यू]
संजय बहादुर, डी. सी. ए

CORRIGENDUM

New Delhi, the 13th September, 2001

S. O. 2576.—In the notification of the Government of India in the Ministry of Coal number S. O. 1474, dated 31st May, 2001, Published in the Gazette of India, Part-II, Section-3, Sub-section (ii), dated the 30th June, 2001, at page 3009 in Note 2, in Line 5, for "interested in any land in respect of which" read "interested in any land in respect of which a",

[File No. 43015/5/99-PR1W]
SANJAY BAHADUR, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 19 सितम्बर, 2001

का.आ. 2577.—यूनिवर्सिटी ऑफ मेडिकल द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम.बी.बी.एस. भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अन्तर्गत एक मान्यता-प्राप्त आयुर्विज्ञान अर्हता है;

तथा डा. चाचाऊ समीर जो उक्त अर्हता रखते हैं, वर्तमान में केसर हॉस्पिटल लिमिटेड, पंचकूला में पूर्ण कार्य के लिए संलग्न हैं।

अतः अब केन्द्र सरकार उक्त अधिनियम की धारा 14 की उपधारा (1) के उक्त उपबंध के खंड (ग) के अनुसरण में एतद्वारा निदिष्ट करती है कि भारत में डाक्टर चाचाऊ समीर के चिकित्सा व्यवसाय की अवधि :—

- (1) इस आदेश के जारी होने की तारीख से दो वर्ष की अवधि या
- (2) जिस अवधि के दौरान डा. चाचाऊ समीर केसर हॉस्पिटल लिमिटेड, पंचकूला में संलग्न रहेंगे हैं, जो भी कम हो, सीमित रहेगा।

[संख्या बी. 11016/1/2001-एम.ई. (नीति-I)]
पी. जी. कलाधरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 19th September, 2001

S.O. 2577.—Whereas medical qualification M.B.B.S. granted by University of Melbourne is a recognised medical qualification for the purpose of the Indian Medical

Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And Whereas Dr. Chachoua Samir who possess the said qualification is attached to Kaiser Hospital Ltd., Panchkula, for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Chachoua Samir in India shall be limited to :—

(a) a period of two year from the date of issue of this order, or

(b) the period during which Dr. Chachoua Samir is attached to Kaiser Hospital Ltd., Panchkula, whichever is shorter.

[No. V-11016/1/2001-ME (Policy-I)]
P. G. KALADHARAN, Under Secy.

नागर विमानन मंत्रालय

(नागर विमानन सुरक्षा ब्यूरो)

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2578.—वायुयान अधिनियम, 1934 की धारा 5-ए में केन्द्रीय सरकार (1934 का 22) नागर विमानन मंत्रालय की अधिसूचना सं. का.आ. सं. 1797, दिनांक 3 जुलाई, 1997 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए सुरक्षा आयुक्त, नागर विमानन, नागर विमानन सुरक्षा ब्यूरो इस तथ्य से संतुष्ट होने के पश्चात् कि वैमानिक प्रचालनों की सुरक्षा सुनिश्चित करने के लिए यह आवश्यक है कि अधोलिखित आदेश के द्वारा निर्देश जारी करना है जो भारत के किसी भी हवाई अड्डे में प्रस्थान करने वाली उड़ानों में कार्गो की लोडिंग तथा परिवहन के प्रयोजनार्थ लागू होगा।

आदेश

1. संक्षिप्त शीर्षक एवं सीमा

(1) यह आदेश रेगुलेटेड एजेंट, विमानन सुरक्षा (ए.बी.एस. ई.सी.) आदेश, 2001 कहा जाएगा।

(2) यह पूरे भारत में लागू है।

(3) यह शासकीय राजपत्र में प्रकाशन की तारीख से लागू होगा।

2. परिभाषा :—इस आदेश में, जब तक विषय अथवा संदर्भ में कोई आपत्तिजनक तथ्य नहीं हो,

(1) "अधिनियम" का अभिप्रेत वायुयान अधिनियम, 1934 (1934 के 22) में है।

(2) "विमान" और "विमान क्षेत्र" का तात्पर्य वही है जैसा वायुयान अधिनियम, 1934 में है।

(3) प्रेषिणी के मामले में "गैर कार्गो" अथवा "कार्गो" का अभिप्राय साथ ले जाने वाले सामान के अनिश्चित किसी भी सामग्री से है जिसकी दुलाई विमानों में की जाती होती है जो प्रेषिणी के साथ ही भी सफाई दे/नहीं भी हो सकता है।

(4) पंजीयन प्रमाण-पत्र अथवा रेगुलेटेड एजेंट के मामले में प्रमाण-पत्र का तात्पर्य इस आदेश के तहत आयुक्त द्वारा उनको जारी किए गए प्रमाण-पत्र से है।

(5) आयुक्त का अभिप्रेत सुरक्षा आयुक्त, नागर विमानन से है।

(6) रेगुलेटेड एजेंट का अभिप्राय किसी ऐसे अभिकर्ता, मालवाहक (माल अग्रेषक) अथवा किसी ऐसे हस्ती से है जिसका व्यवसाय किसी प्रचालक के साथ होता है और आयुक्त द्वारा विमान से कार्गो, कुरियर, एक्स-प्रेस अथवा डाक की ढुलाई के लिए स्वीकृत अथवा अपेक्षित सुरक्षा निबंधन प्रदान करता है।

3. इस आदेश के तहत शामिल नहीं होने वाली वस्तुएं:

घातक, माल, शस्त्र, विस्फोटक पदार्थ, मुद्रा, स्वर्ण, चांदी, जेवरान, वैशकीमती अथवा अर्ध-वैशकीमती वस्तुएं, दवाएं अथवा स्वापक पदार्थ इस आदेश की परिधि में नहीं आते हैं।

4. रेगुलेटेड एजेंट का पंजीयन :—

(1) कोई भी रेगुलेटेड एजेंट इस आदेश के पैरा-6 में विहित कार्यविधि के अनुसार आयुक्त के कार्यालय में अपना पंजीयन कराएगा।

(2) निम्नांकित में से किसी भी श्रेणी का उद्यम और जो इस पैरा के उप-पैरा (1) में संदर्भित पंजीयन के लिए आवेदन प्रस्तुत करने की तारीख को कम-से-कम 5 वर्षों तक अस्तित्व में रहा हो, जिसमें से, न्यूनतम 3 वर्ष तक कार्गो व्यवसाय में रहा हो, ऐसे पंजीयन के लिए अर्हक होगा, अर्थात्:—

(क) वैम विनिर्माता एवं नियंत्रक जो विमान में अपना माल भोजन के प्रयोजन से विमान वाहकों के साथ प्रत्यक्ष रूप से कारोबार करते हों।

(ख) वैम कार्गो अभिकर्ता जिन्हें विमान कार्गो अभिकर्ता संघ की सदस्यता प्राप्त है।

(ग) वैम कार्गो अभिकर्ता जिन्हें अंतरराष्ट्रीय विमान परिवहन संघ (आइएटा) में मान्यता प्राप्त है।

(घ) किसी विमान वाहक द्वारा संस्तुत कोई दूसरा कार्गो अभिकर्ता।

(ङ) विमान कार्गो का समुद्री मार्ग से वहन करने वाले सरकारी अथवा अर्ध-सरकारी मोदाम/भंडार-गृह।

(च) सामान्य प्रयोजनार्थी इसे ग्राहक बंध्य सुविधाएं यथा विमान कार्गो परिमरों का नियति।

(छ) डाक विभाग और

(ज) कोई अन्य व्यक्ति जिसे इस अधिमूचना के उपबंधों के अनुसार आयुक्त द्वारा रेगुलेटेड एजेंट के रूप में स्वीकार किया गया हो,

5. पंजीयन प्रमाण-पत्र का विशेषाधिकार :—

(1) कोई भी विमानकंपनी लादने के लिए तैयार कार्गो की स्वीकृति के लिए किसी रेगुलेटेड एजेंट के साथ तब तक कोई करार नहीं करेगा जब तक कि रेगुलेटेड एजेंट के पास पंजीयन प्रमाण-पत्र उपलब्ध नहीं हो।

(2) कोई भी विमान कंपनी पंजीयन प्रमाण-पत्र धारक से अपने विमान में सीधे सामान लादने के लिए कार्गो को स्वीकार कर सकता है बशर्ते कि वह इसे प्रमाणित करे कि सुरक्षा क्रियाविधि का अनुपालन किया गया है। किसी भी व्यक्ति से प्राप्त कार्गो को विहित सुरक्षा जांच के पश्चात ही विमान में लादा जा सकता है।

6. रेगुलेटेड एजेंट के पंजीयन की कार्यविधि :—

किसी भी रेगुलेटेड एजेंट के पंजीयन के लिए निम्नलिखित कार्यविधि अपनाई जाएगी अर्थात्:—

(क) पंजीयन प्रमाण-पत्र के लिए आवेदन-पत्र इस आदेश के साथ संलग्न फार्म ए में आयुक्त के कार्यालय में प्रस्तुत किया जाएगा।

(ख) मूल पंजीयन प्रमाण-पत्र खो जाने अथवा नष्ट हो जाने पर, इसकी दूसरी प्रति निर्गमित करने संबंधी आवेदन-पत्र आयुक्त को दिया जाना चाहिए।

(ग) खंड क में संदर्भित आवेदन-पत्र के प्राप्त हो जाने पर, आयुक्त नागर विमानन सुरक्षा ब्यूरो के एक अधिकारी को अध्यक्ष के रूप में तथा एयर इंडिया, इंडियन एयरलाइन्स और संबंधित एयरलाइन्स के प्रतिनिधियों को सदस्य के रूप में शामिल कर एक निरीक्षण दल गठित करेगा।

(घ) ऐसा निरीक्षण दल समय-समय पर आयुक्त द्वारा दिए गए निर्देश के अनुसार अवस्थिति का निरीक्षण करेगा, आवश्यक सुरक्षा जांच करेगा। ऐसे निरीक्षण के पूरा होने के पश्चात् निरीक्षण दल आयुक्त को अपनी रिपोर्ट प्रस्तुत करेगा।

(ङ) ऐसे निरीक्षण दल द्वारा प्रस्तुत किए गए रिपोर्ट के आधार पर पर्याप्त आधारीक संग्रचना के बारे में संतुष्ट होने के पश्चात् आयुक्त ऐसी शर्तों सहित जिसे वह उपयुक्त समझे, पंजीयन प्रमाण-पत्र जारी करेगा जो तीन वर्षों की अवधि तक के लिए वैध होगा बशर्ते कि उस अवधि के दौरान आवश्यक मानदंडों का अनुगमन किया जाए। उसी अवधि के लिए उपबंध (क), (ग) और (घ) में विनिर्दिष्ट क्रियाविधि का पालन व उसमें आवश्यक आशोधन करने हुए प्रमाण-पत्र का एक बार नवीकरण किया जाएगा।

7. पंजीकरण प्रमाण-पत्र को रद्द अथवा निलंबन किया जाना :—

(1) यदि आयुक्त इस बात से संतुष्ट हो जाते हैं कि ऐसा किये जाने के लिए पर्याप्त आधार है, तब वह लिखित रूप से रिकार्ड किये जाने वाले कारणों के लिए,

पंजीकरण के प्रमाण-पत्र को रद्द कर सकता है, अथवा वह किसी भी निदिष्ट अवधि के लिए इसे निलंबित कर सकता है। वह किसी भी मामले की जांच के दौरान, उपयुक्त आधार पर पंजीकरण प्रमाण-पत्र का निलंबन भी कर सकता है।

- (2) उप-नियम (1) में निहित शक्तियों के लिए, सामान्यतया अनुमान लगाये बिना, आयुक्त यदि निम्नलिखित के बारे में संतुष्ट हो तो उस अवधि के लिए, जिसे वह ठीक समझे, पंजीकरण प्रमाण-पत्र को रद्द कर सकता है अथवा इसे निलंबित कर सकता है:—

(क) कि पंजीकरण प्रमाण-पत्र की किसी भी शर्तों का अनुपालन नहीं किया गया है और प्रमाण-पत्र के धारक की ओर से जान-बूझकर अथवा किसी भी प्रकार की भूल से अथवा किसी भी उनके सेवक से अथवा एजेंटों से, चाहे अथवा इस प्रकार के जान-बूझकर की गई कार्रवाई पंजीकरण प्रमाण-पत्र धारक के अनुमोदन अथवा उनकी जानकारी में रहते हुए की गयी हो, अथवा

(ख) कि पंजीकरण प्रमाण-पत्र धारक आयुक्त द्वारा समय-समय पर निदिष्ट सुरक्षा, संरक्षा, सफाई व्यवस्था, कारोबारी नीति और पर्यावरणीय शुद्धता मानकों को बनाये रखने में असफल रहा हो, अथवा

(ग) कि पंजीकरण प्रमाण-पत्र धारक के विरुद्ध भारत में किसी भी न्यायालय में किसी भी प्रकार की आपराधिक कार्रवाईयां लंबित पड़ी हों, अथवा

(घ) कि तथ्यात्मक सूचना के अलगाव द्वारा प्रमाण-पत्र प्राप्त किया गया हो अथवा इसे गलत सूचना के आधार पर प्राप्त किया गया हो।

- (3) इस पैराग्राफ के उप-पैरा (1) अथवा उप-पैरा (2) के अधीन किसी भी प्रकार की कार्रवाई किये जाने से पहले, आयुक्त को पंजीकरण प्रमाण-पत्र धारक को लिखित रूप से कम से कम इक्कीस दिनों का नोटिस देना होगा जिसमें उस आधार का उल्लेख किया जाएगा कि जिसके आधार पर इसे रद्द किये जाने का प्रस्ताव किया गया है अथवा जैसा भी मामला हो, वह प्रमाण-पत्र को रद्द कर देगा और उसे यह सब बताने का अवसर दिया जाएगा जो लिखित रूप से अथवा आयुक्त के सम्मुख उपस्थित होने पर होगा जिसके इस पैराग्राफ के अधीन कार्रवाई किया जाना प्रस्तावित है।

- (4) इस पैराग्राफ के उप-नियम (3) में निहित किसी भी बात से हटकर, आयुक्त को यदि वह उन कारणों को विश्वस्त सूचना पर विश्वास हो जाए कि ऐसा किया जाना जन सुरक्षा के हित में है, तब वह मामलों पर छानबीन करेगा तो वह और आगे जांच करने और

आगे की कार्रवाई करने के लिए प्रमाण-पत्र को निलंबित कर देगा।

- (5) इस पैरा के अधीन आयुक्त द्वारा जारी किसी भी आदेश से कथित कोई भी व्यक्ति, आदेश की प्राप्ति के साठ दिनों के भीतर, नागर विमानन मंत्रालय में सचिव, भारत सरकार में अपील कर सकता है।

8. रेगुलेटेड एजेंटों को कार्गो हैंडलिंग सुविधा

प्रत्येक रेगुलेटेड एजेंट के पास या तो वैयक्तिक कार्गो होलिंग सुविधा होगी अथवा हिस्सेदारी कार्गो होलिंग सुविधा होगी। कार्गो के कारोबार चलाने के उद्देश्य में प्रयोग किया जाने वाला परिसर सुरक्षित संरक्षित तथा पूर्ण रूप से सुरक्षित तथा पूर्ण रूप से अलग कवर क्षेत्र होगा जिसमें आयुक्त द्वारा निर्धारित मानकों के अनुरूप कार्गो की हैंडलिंग पैकिंग और भंडारण के लिये पर्याप्त प्रकाश तथा अन्य आवश्यक सुविधाये हानी चाहियें, इस प्रकार का परिसर उस क्षेत्र में होना चाहिये जिसे इस प्रकार का कारोबार चलाने के लिये सक्षम नगरपालिका द्वारा प्राधिकृत तथा अनुमोदित किया गया हो,

9. कार्गो की छानबीन तथा वृद्धि नियंत्रण के लिये उपस्कर

- (1) प्रत्येक रेगुलेटेड एजेंट को, कार्गो की छानबीन करने तथा कार्गो के कारोबार के साथ जुड़े व्यक्तियों के लिये परिसर में उपयुक्त विकिरण विज्ञान तथा अन्य विद्युत् उपकरणों को प्राप्त तथा अनुरक्षण करना होगा।

- (2) आयुक्त रेगुलेटेड एजेंटों के कार्गो कारोबार परिसर में प्रत्येक निमाही में निरीक्षण दल को नियुक्त कर सकते हैं जिससे यह सुनिश्चित किया जा सके कि नागर विमानन सुरक्षा ब्यूरो द्वारा निर्धारित मानकों का अनुपालन हो रहा है तथा संबंधित उपकरण बेहतर चालन स्थिति में हैं।

- (3) यदि इस प्रकार के उपकरणों की गुणवत्ता के मानक उपरोक्त उप-पैरा (2) में वर्णित मानकों को पूरा नहीं करते हैं तो आयुक्त संबंधित रेगुलेटेड एजेंट को जारी किये गये ऐसे प्रमाण-पत्र को रद्द कर सकते हैं।

10. रेगुलेटेड एजेंट के परिसर में प्रवेश

कुछ थोड़े समय के लिये लागू किसी कानून के अधीन अन्यथा प्राधिकृत किये जाने के अलावा, किसी भी व्यक्ति को किसी भी रेगुलेटेड एजेंट के कार्गो कारोबार परिसर में स्वतंत्र रूप से प्रवेश की अनुमति नहीं होगी जब तक ऐसे किये जाने के लिये इस प्रकार के एजेंट ने उन्हें प्राधिकृत न किया हो,

11. रेगुलेटेड एजेंटों का उत्तरदायित्व

प्रत्येक रेगुलेटेड एजेंट निम्नलिखित कार्यों के लिये उत्तरदायित्व होगा, अर्थात् :—

(क) कि वह एक सुरक्षा अधिकारी का नामन करेगा जो इस एजेंट के निम्नलिखित प्रयोजनों के लिये उत्तरदायी होगा, अर्थात् :—

- (i) यह सुनिश्चित करेगा कि नागर विमानन सुरक्षा ब्यूरो द्वारा निर्धारित सुरक्षा प्रावधानों का कार्यान्वयन किया गया है;
- (ii) सुरक्षा स्टाफ के कार्य का पर्यवेक्षण करना;
- (iii) सुरक्षा क्लीयर कार्गो के संदूषण को दूर करने के लिये एक आंतरिक नियंत्रण प्रणाली की स्थापना करना और
- (iv) किसी विशेष प्रेपण में अस्त्र-शस्त्र, आयुध, विस्फोटक जैसी कुछ खतरनाक वस्तुओं अथवा किसी अन्य प्रकार की खतरनाक वस्तुओं के पाये जाने के मामले पर उपयुक्त प्राधिकारियों के साथ संपर्क स्थापित करना।

(ख) कि जब तक आयुक्त द्वारा समय-समय पर निर्धारित मानकों तथा कार्यविधि के अनुसार आयुक्त द्वारा इन कामियों का सत्यापन नहीं कर दिया जाता, रेगुलेटेड एजेंट द्वारा किसी सुरक्षा कामिक को रोजगार नहीं दिया जायेगा,

(ग) कि वैमानिक कैरियरों को डिलीवरी से पूर्व इस प्रकार के एजेंटों द्वारा एयर कार्गो, रेगुलेटेड एजेंट के विधिवत प्रशिक्षित सुरक्षा स्टाफ द्वारा निम्नलिखित सुरक्षा जांचों में से एक के अधीन होंगे :—

- (i) भौतिक (वास्तविक) जांच,
- (ii) एक्स-रे छानबीन, तथा
- (iii) चौबीसों घंटे प्रशीतन

(घ) कि उनके द्वारा की गई एयर कार्गो की पैकिंग का कार्य सुरक्षा कामियों की मौजूदगी में अथवा पर्यवेक्षण के अधीन रेगुलेटेड एजेंट द्वारा किया जायेगा। इस प्रकार की पैकिंग में उन प्रेपणों की पुनः पैकिंग भी शामिल होगी जिन्हें सीमा शुल्क प्राधिकारियों द्वारा वास्तविक जांच के लिये खोला गया हो अथवा जिनमें मार्गस्थ (ट्रांजिट) के दौरान क्षतिग्रस्त होने पर पुनः पैकिंग की आवश्यकता है।

(ङ) कि उनके द्वारा किये गये प्रत्येक सुरक्षा जांच प्रेपण पर सुरक्षा टेप लगी होगी तथा इसे उपयुक्त गाँड़ के अधीन सुरक्षित स्थान पर रखा जायेगा।

(च) कि उनके द्वारा प्राप्त एयर कार्गो की हैंडलिंग और सुरक्षा का कार्य विनियमित एजेंट के परिसर में इसकी प्राप्ति के समय से एयर कैरियर को सौंपे जाने

तक इस कार्य का निर्वहण रेगुलेटेड एजेंट के सुरक्षा कामियों द्वारा किया जायेगा।

(छ) एयर कार्गो की सुरक्षा जांच के बाद इसका हवाई अड्डे तथा एयर कैरियर के गोदाम तक रेगुलेटेड एजेंट द्वारा, उपयुक्त निगरानी के अधीन एक सील लगे कंटेनर में अथवा ट्रक में एक सुरक्षित तथा संरक्षित रूप में भेजा जायेगा जिसमें ट्रांजिट के दौरान किसी प्रकार की हेरा-फेरी अथवा हानि को रोका जा सके।

(ज) कि उनके द्वारा भेजा जाने वाला एयर कार्गो जो भेजे जाने के लिये तैयार हो, इसे रेगुलेटेड एजेंट द्वारा एयरलाइनों को डिलीवर किया जायेगा, अथवा इन्हें हवाई अड्डे पर एयर कार्गो ग्राउंड सेवा सुविधाओं पर सौंपा जायेगा।

(झ) कि रेगुलेटेड एजेंट एयर लाइंस को लिखित रूप में घोषणा देगा जिसमें यह प्रमाणित किया होगा कि उसके द्वारा निपटाये जा रहे और डिलीवर किये जा रहे एयर कार्गो नागर विमानन सुरक्षा ब्यूरो द्वारा विनिर्दिष्ट सुरक्षा नियंत्रणों के अनुसार किये जाते हैं और प्रेपण में कोई खतरनाक माल नहीं है जैसा कि अंतरराष्ट्रीय नागर विमानन संगठन द्वारा जारी किये गये तकनीकी निर्देशों (इकाओं डैक्यू-9284 एएन/905) में स्पष्ट रूप से बताया गया है।

(ञ) कि जो रेगुलेटेड एजेंट निर्यातक नहीं है उसे निर्यातक से यह प्रमाण-पत्र भी लेना होगा कि ऐसे एजेंट से लिये गया प्रेपण में किसी प्रकार का खतरनाक माल नहीं है जैसा कि उपरोक्त प्रावधान (i) में बताया गया है और यह विमान में ले जाने के लिये सुरक्षित है। इस प्रमाण-पत्र में रेगुलेटेड एजेंट को सुरक्षा नियंत्रणों के संबंध में किसी भी प्रकार की छूट नहीं मिलेगी।

(ट) कि उनके कर्मचारियों और सुरक्षा कामियों की प्रारंभिक सत्यापन और आवधिक सत्यापन की जिम्मेदारी रेगुलेटेड एजेंट की होगी।

(ठ) कि रेगुलेटेड एजेंट अपने कर्मचारियों के साथ-साथ सुरक्षा कामियों की एक सूची प्रत्येक निमाही को नागर विमानन सुरक्षा ब्यूरो (वी सी ए एस) को प्रस्तुत करेगा।

(ड) कि रेगुलेटेड एजेंट स्थायी रिकार्ड का रख-रखाव करेगा जिसमें वह सभी कार्गो कन्साइनमेंट्स के लिये टार्डम इन और टार्डम आउट को दर्शाएंगे और इसे मंग किये जाने पर आयुक्त द्वारा नियुक्त किये गये निरीक्षण दल के समक्ष प्रस्तुत करेगा।

(ढ) कि रेगुलेटेड एजेंट को उसके द्वारा निपटाये जा रहे कार्गो के लिये सुरक्षा आयुक्त द्वारा जारी किये गये सुरक्षा निर्देशों को दर्शाने वाला स्थाई रिकार्ड का रख-रखाव करना होगा (जिसमें 24 घंटे प्रशीतन एक्स-रे जांच अथवा थारीरिक जांच शामिल है) और सुरक्षा कर्मचारियों

के नाम को भी दर्शाना होगा जिसने स्थापन और प्रमाणीकरण किया है। ऐसे एजेंटों द्वारा ऐसे उद्देश्य के लिये प्रमाण-पत्र की प्रति को एयरलाइन को एयरकार्गो सहित सौंपी जायेगी। ऐसे प्रमाण-पत्र, आयुक्त द्वारा नियुक्त किये गये निरीक्षण दल द्वारा की गई जांच के बाद ही किये जायेंगे।

(ण) प्रत्येक रेगुलेटेड एजेंट समय-समय पर नागर विमानन सुरक्षा ब्यूरो द्वारा सुरक्षा के संबंध में जारी अन्य निर्देशों का अनुपालन करेगा।

12. कार्यान्वयन तथा नियंत्रण :—

- (1) अंतरराष्ट्रीय नागर विमानन संगठन के अनुरूप आयुक्त द्वारा प्रस्तावित प्रक्रिया के अनुरूप मानदण्डों के आधार पर एयरलाइंस ने कार्गो विमान को भार ढोने के निमित्त माना है।
- (2) प्रत्येक एयरलाइन जो किसी भी रेगुलेटेड एजेंट से एयर कार्गो प्राप्त करती है वह 15 प्रतिशत कन्साइनमेंट की रण्डम आधार पर जांच करेगी और उसका रिकार्ड रखेगी। एयरलाइन द्वारा ऐसे कार्गो को प्राप्त करने से वह उस एयरलाइन का ही दायित्व होगा। कार्गो में रखा सामान विधिमम्मत है और उस समय लागू किसी भी नियम का उल्लंघन नहीं है। एयरलाइन, अंतरराष्ट्रीय नागर विमानन संगठन मानकों (इकाओं) के अनुरूप ही लोडिंग करेगा।
- (3) नागर विमानन सुरक्षा ब्यूरो और विमान वाहक समय-समय पर रेगुलेटेड एजेंट को औचित्य निरीक्षण यह सुनिश्चित करने के लिये करेंगे कि नागर विमानन सुरक्षा ब्यूरो द्वारा निर्धारित किये गये मानदंडों का उल्लंघन नहीं किया जा रहा है।
- (4) नागर विमानन सुरक्षा ब्यूरो (बीसीएएस) के अधिकारियों और संबंधित विमान वाहकों के द्वारा किये जाने वाले निरीक्षण के लिये अपेक्षित मरक्षा तथा सुविधायें सभी आवश्यक कार्गोजान, कार्गो कन्साइनमेंट रेगुलेटेड एजेंट द्वारा उपलब्ध कराये जायेंगे।
- (5) (क) प्रत्येक रेगुलेटेड एजेंट द्वारा किये जा रहे सुरक्षा कार्यों के लिये सुरक्षा कामिकों की तैनाती अनिवार्य इयूटियों के लिये कम पड़ रही सुरक्षा कामिकों के लिये की जाएगी।

(ख) प्रत्येक रेगुलेटेड एजेंट सुनिश्चित करेगा कि उसके कार्गो बिजनेस से संबंधित प्रत्येक एक्सरे बैगेज निरीक्षण प्रणाली (बी आई एस) तीन प्रशिक्षित कामिकों द्वारा संचालित किये

जायेंगे जो कि निम्नलिखित कार्य बारी-बारी से करेंगे नामतः :—

- (1) एक्स-रे बैगेज इन्स्पेक्शन मिस्टम (बी आई एस) की कन्वेयरबेल्ट पर बैग रखना।
- (2) एक्स-रे इमेजेज की मानिट्रिंग करना।
- (3) कन्साइनमेंट की भौतिक रूप से और हाथों से चेकिंग करना और सुरक्षा स्टीकर और बैण्ड उपलब्ध कराना।

(ग) कार्गो व्यापार से संबंधित निम्नलिखित कार्यों को करने के लिये रेगुलेटेड एजेंट द्वारा दो प्रशिक्षित व्यक्ति लगाये जायेंगे, अर्थात् —

- (1) आइडल रोलर पर भारी सामान को उठाना एक्स-रे बैगेज इन्स्पेक्शन प्रणाली (बी आई एस) को हटाना,
- (2) सुरक्षा स्ट्रेपिंग मशीन के प्रचालन में सहायता तथा एक्स-रे बैगेज इन्स्पेक्शन प्रणाली की व्यवस्था (बी आई एस) क्षेत्र का फाई अथवा ट्राली से अलग रखना,
- (3) प्रत्येक पहुंच स्थल पर परिसर पर पहुंच नियंत्रण करना।

6. रेगुलेटेड एजेंट द्वारा नियुक्त किया गया प्रत्येक सुरक्षाकर्मी नागर विमानन सुरक्षा ब्यूरो में (बीसीएएस) पंजीकृत होगा तथा समय-समय पर नागर विमानन सुरक्षा ब्यूरो (बीसीएएस) के अनुसार विनिर्दिष्ट निर्धारित नियम और शर्तों के मुताबिक उसके पास उपयुक्त योग्यता तथा प्रमाण-पत्र होने चाहिये।

13. कस्टम जांच

(1) रेगुलेटेड एजेंट कार्गो के संबंध में कस्टम्स तथा अन्य प्राधिकारियों द्वारा समय-समय पर जारी आदेशों तथा दिशा-निर्देशों का पालन करना होगा। इस उद्देश्य के लिये भारत सरकार के वित्त मंत्रालय तथा वाणिज्य मंत्रालय द्वारा मार्गदर्शिका जारी की गई है।

(2) प्रत्येक रेगुलेटेड एजेंट की यह जिम्मेदारी होगी कि वह सभी कर और ड्यूटियों को अदा करें जो कि उस समय लागू किसी भी नियम के तहत एयर कार्गो के निर्यात के लिये अदा की जाती है।

14. रेगुलेटेड एजेंट द्वारा कानून का उल्लंघन नहीं किया जाना इत्यादि :—

कोई भी रेगुलेटेड एजेंट विमान अधिनियम, 1934 (1934 का 22) वैमानिक नियम, 1937 तथा अन्य नियमों तथा हवाई अड्डों के विनियमन तथा भारत के हवाई अड्डों पर एयर लाइन के साथ कार्गो व्यापार किये

जाने के समय उस समय लागू कोई अन्य कानून के संगत प्रावधानों का उल्लंघन तथा दुष्पर्याप्त नहीं करेगा। ऐसे किसी भी प्रकार के उल्लंघन के लिये प्रायुक्त उल्लंघनकर्ता को अपनी सफाई दिये जाने का अवसर देने के पश्चात् उसके प्रमाण-पत्र को रद्द कर सकता है।

[फाइल संख्या एवी-1302/1112/93-एम.एस.वी.
(पार्ट-3)]

मारदा अली खान, उप सचिव

फॉर्म-ए

रेगुलेटेड एजेंट के रूप में पंजीकरण के लिये आवेदन-पत्र का
प्रारूप

1. रेगुलेटेड एजेंट के रूप में पंजीकृत हेतु आवेदन करने वाले संगठन का नाम
- 2 आवेदन करने वाले संगठन की प्रस्थिति
3. रेगुलेटेड एजेंट के गोदाम बनाने का स्थान और स्थल के चयन का उपयुक्त कारण

4. समीपस्थ हवाई अड्डे से दूरी सहित कार्यस्थल की अवस्थिति

5 क्या एयर कार्गो गोदाम बनाने के लिये भूमि पहले ही अर्जित की जा चुकी थी? यदि हाँ, तो भूमि का क्षेत्रफल (वर्ग मी. में) क्या गोदाम के लिये भूमि क्रियार्थक पर ली गई है अथवा पट्टे पर है?

यदि नहीं तो, भूमि किस प्रकार अर्जित किये जाने का प्रस्ताव है?

6 गोदाम को सुरक्षित रखने की योजना तथा गोदाम का परिमर

7 रेगुलेटेड एजेंटों द्वारा बुक कराये गये कार्गो को होने वाली विमान कंपनियों के नाम

8. गोदाम में कार्गो की सुरक्षा जाँच की प्रारूप योजना जिसमें सामानों की खरीद के लिये इलेक्ट्रॉनिक गजट का प्रावधान, यदि उपलब्ध न हो तो अथवा इनकी उपलब्धता

9. प्रदान किये जाने के लिये प्रस्तावित अव-संरचनात्मक सुविधायें (वर्ग मी. में) आवेदक के कर्मचारियों के लिये कार्यालय आवास सुरक्षा जाँच के लिये आवास एयरलाइनों तथा एयरपोर्ट से जुड़े कंप्यूटर क्रेन्टीन जन-संचार सुविधायें तथा टेलीफोन, फैक्स इत्यादि सुरक्षा के लिये दूधिया प्रकाश/ऊँचा

घटा घर

जन एव कर्मचारी सुविधायें/अवस्था यथा टायलेट, पेयजल इत्यादि

अग्निशमक सुविधा

कीमती कार्गो के लिये स्ट्राग रुम

सुविधा से बाहर लॉरी के लिये

पाकिंग एरिया (भंडार गृह से 100 मीटर दूर)

- 10 गोदाम चलाने में आवेदक का अनुभव/योग्यता
- 11 नियोजित होने वाले कर्मचारियों का अनुभव, योग्यता और उनके दायित्व
- 12 उपस्कर उपस्कर के व्यौरे (एक्स-रे बैगेंज इन्स्पेक्शन सिस्टम) एच.एच. एम.डी.डी. एफ. एम. एफ. डी., विस्फोटक खोजी इत्यादि यदि उपलब्ध न हो तो इसके खरीद की योजना दी जाये
- 13 आवेदक संगठन की वित्तीय स्थिति
14. कार्गो धारक के अंकड़े को प्रस्तावित भंडार गृह से हवाई अड्डा ले जाना/प्रदान की जाने वाली पूर्ण व्यौरे

मैं/हम प्रमाणित करना हूँ/करते हैं कि उक्त विवरण मेरी जानकारी में बिल्कुल सही है।

हस्ताक्षर

नाम

मुहर

स्थान

तारीख

MINISTRY OF CIVIL AVIATION

(Bureau of civil Aviation Security)

New Delhi, the 13th September, 2001

S.O. 2578.—In exercise of powers conferred by section 5A of the Aircraft Act, 1934 (XXII of 1934), delegated to him by the Central Government vide the Government of India, Ministry of Civil Aviation notification number S.O. number 1797, dated the 3rd July, 1997, the Commissioner of Security, Civil Aviation, Bureau of Civil Aviation Security, after being satisfied that it is necessary for the purpose of securing safety of aircraft operations, by the following order, issues directions which shall be applicable for the purposes of handling and transportation of cargo on flights departing from any airport in India, namely :—

ORDER

1. Short title and extent —(1) This Order may be called the Regulated Agent 'Aviation Security (AVSIC) Order, 2001'

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. Definition.—In this Order, unless there is anything repugnant in the subject or context,

(1) "Act" means the Aircraft Act, 1934 (XXII of 1934);

(2) "Aircraft" and "Aerodrome" shall have the same meaning as in the Aircraft Act, 1934;

(3) "Air Cargo" or "Cargo", in respect of consignor means any material, other than accompanied baggage, meant to be transported by aircraft, which may or may not be accompanied by the consignor;

(4) "Certificate of Registration" or "Certificate" in respect of a Regulated Agent, means a certificate issued by the Commissioner to him under this Order;

(5) "Commissioner" means the Commissioner of Security, Civil Aviation;

(6) "Regulated Agent" means an agent, freight forwarder or any other entity, who conducts business with an operator and provides security control that are accepted or required by the Commissioner, in respect of cargo, courier, express parcels or mail to be transported by air.

3. Certain items not covered by this Order.—Consignments containing Dangerous Goods, arms, ammunition, currency, gold, silver, jewellery, precious or semi-precious items, drugs or narcotics shall not come under the purview of this Order.

4. Registration of Regulated Agents.—(1) A Regulated Agent shall get himself registered with the Commissioner in accordance with the procedure laid down in paragraph 6 of this Order.

(2) An enterprise belonging to any one of the following categories and running for at least five years on the date of application for registration referred to in sub-paragraph (1) of this paragraph, out of which a minimum period of three years is in air cargo business, shall be eligible for such registration, namely :—

(a) manufacturers and exporters dealing directly with air carriers for the purpose of sending their goods by air;

(b) cargo agents who are members of Air Cargo Agents Association;

(c) cargo agents accredited to International Air Transport Association (IATA);

(d) any other cargo agent recommended by an carrier;

(e) Government or semi-government warehouses handling shipments of air cargo;

(f) exporters from common-user customs- bonded facilities like air cargo complexes;

(g) Department of posts; and

(h) Any other person approved as "Regulated Agent" by the Commissioner in accordance with provisions of this notification.

5. Privileges of Certificate of Registration.—(1) No airline shall enter into an agreement with a Regulated Agent for acceptance of ready-for-loading cargo unless the latter is in possession of the Certification of Registration.

(2) An airline may accept the cargo for direct loading to its aircraft from the holder of a Certificate of Registration, provided the certifies that the security procedures have been followed. The cargo received from any person shall be loaded into the aircraft only after subjecting it to the prescribed security check.

6. Procedure for Registration of Regulated Agent.—The following procedure shall be followed for registration of a Regulated Agent, namely :—

(a) an application for grant of Certificate of Registration shall be made to the Commissioner in the Form-A annexure with this Order;

(b) where the original Certificate of Registration is lost or destroyed, a duplicate thereof may be issued by the Commissioner on an application made by the Regulated Agent to him for that purpose;

(c) on receipt of the application referred to in clause (a), the Commissioner shall constitute an inspection team comprising of an officer of Bureau of Civil Aviation Security as Chairman, and the representatives of Air India, Indian Airlines and of the concerned airline as members thereof;

(d) such inspection team shall inspect the location, examine the adequacy of necessary security facilities and infrastructure as directed by the Commissioner from time to time. After completion of such inspection, the inspection team shall submit its report to the Commissioner;

(e) on the basis of the report made by such inspection team, the Commissioner, on being satisfied about the adequacy of the infrastructure, may issue a Certificate of Registration with such conditions as he think appropriate, which shall be valid for three years; provided the requisite standards are

maintained during the period. The certificate shall be renewed once for the same period by following the same procedure as specified in clauses (a), (c) and (d) above with necessary modifications.

7. Cancellation or suspension of the Certificate of Registration.—(1) If the Commissioner is satisfied that there is sufficient ground for doing so, he may, for reasons to be recorded in writing, cancel the Certificate of Registration or suspend it for any specific period. He may also, during the investigation of any matter suspend the Certificate of Registration on reasonable ground.

(2) Without prejudice to the generality of the power in sub-rule (1), the Commissioner may cancel or suspend the Certificate of Registration for such period as he thinks fit, if he is satisfied—

- (a) that any of the conditions of the Certificate of Registration has not been complied with and the failure is due to any willful act or default on the part of the holder of the certificate or by any of his servants, or agents, irrespective of whether or not such willful act or default of the servant or agent was within the knowledge or under approval of the holder of the Certificate of Registration; or
- (b) that the holder of the Certificate of Registration has failed to maintain the standards of security, safety, sanitation, business ethics and environmental purity as specified by the Commissioner from time to time; or
- (c) that any criminal proceedings are pending against the holder of the Certificate of Registration in any court in India; or
- (d) that the certificate was obtained by suppression of material information or on the basis of wrong information.

(3) Before any action is taken under sub-paragraph (1) or sub-paragraph (2) of this paragraph, the Commissioner shall give to the holder of the Certificate of Registration not less than twenty-one days' notice in writing specifying the ground upon which it proposed to cancel or, as the case may be, suspend the certificate and shall give him an opportunity of showing cause either in writing or by appearing in person before the Commissioner against the action proposed to be taken under this paragraph.

(4) Notwithstanding anything contained in sub-rule (3) of this paragraph, the Commissioner may, if he has reason to believe on reliable information that it is expedient in the interest of public safety so to do, summarily examine the matter and suspend the certificate with a view to make further inquiry and for taking further action.

(5) Any person aggrieved by any order passed by the Commissioner under this paragraph may, within sixty days of the receipt of the order, appeal to the Security to the Government of India in the Ministry dealing with the civil aviation.

8. Cargo handling facility of the Regulated Agent.—Every Regulated Agent shall be in possession of either individual or shared cargo holding facility. The premises used for the purpose of carrying on the business of cargo shall be safe, secure, fully protected and fully segregated covered area with proper lighting and other necessary facilities for handling, packing and storage of cargo, in accordance with the norms laid down by the Commissioner. Such premises shall be located in the area duly authorised and approved by the competent municipal authority for carrying on such business.

9. Equipment for screening of cargo and access control.—(1) Every Regulated Agent shall be required to procure and maintain suitable radiological and other electronic equipment for screening of cargo and for access control in the premises for people associated with the business of cargo.

(2) The Commissioner may depute inspection teams every quarter to the cargo business premises of the Regulated Agents to ensure that the norms specified by the Bureau of Civil Aviation Security (BCAS), are adhered to and the concerned equipments are in good functional condition.

(3) If the Standard of maintenance for quality of such equipments do not meet the norms referred to in sub-paragraph (2) above, the Commissioner may cancel the Certificate issued to the concerned Regulated Agent.

10. Entry into the premises of the Regulated Agent.—Except otherwise authorised under any law for the time being in force, no person shall be permitted free access into the cargo business premises of any Regulated Agents, unless duly authorised by such agent.

11. Responsibilities of the Regulated Agent.—Every Regulated Agent shall be responsible for the following functions, namely:—

(a) that he shall nominate a security officer who shall be responsible for the following purposes relating to such agent, namely:

- (i) to ensure that the security provisions, prescribed by the Bureau of Civil Aviation Security (BCAS) are implemented;
- (ii) to supervise the work of the security staff;
- (iii) to establish an internal control system to avoid contamination of security cleared cargo; and

(iv) to establish contact with the appropriate authorities in case some dangerous items such as arms, ammunition, explosives or any other dangerous goods are discovered in a particular consignment.

(b) that no security personnel shall be employed by any Regulated Agent unless such personnel are certified by the Commissioner in accordance with the laid down standards and procedures determined by the Commissioner from time to time.

(c) that before delivery to air carrier, the Air Cargo dealt with by such Agent shall be subjected to at least one of the following security checks by the duly trained security staff of the Regulated Agent, namely :

- (i) physical examination;
- (ii) x-ray screening; and
- (iii) twenty four hours cooling.

(d) that the packing of Air Cargo dealt with by him shall be carried out by the Regulated Agent under the supervision of or in the presence of the security personnel. Such packing shall include re-packing of those consignments which are opened by the customs authorities for physical examination or which need repacking due to damage during transit;

(e) that every security checked consignments dealt with by him shall be strapped by security tape and kept in a safe place under proper guard;

(f) that the handling and security of the Air Cargo dealt with by him from the time of its receipt in the premises of the Regulated Agent till its delivery to the air carrier shall be undertaken by the security personnel of the Regulated Agent.

(g) that the security-checked Air Cargo dealt with by him shall be transported to the airport or the warehouse of the air carrier by the Regulated Agent in a safe and secured manner in a sealed container or trucks under appropriate surveillance so as to prevent any tampering or mischief during transit;

(h) that the Air Cargo dealt with by him ready for shipment shall be delivered by the Regulated Agent to the airlines or tendered at their air cargo ground services facilities at the airport;

(i) that the Regulated Agent shall give to the airline a written declaration certifying that the Air Cargo dealt with by him delivered by him has been subjected to the security controls specified by the Bureau of Civil Aviation Security (BCAS) and that the consignments do not contain any dangerous goods as defined in the Technical Instruction (ICAO Doc. 9284-AN/905, issued by International Civil Aviation Organisation) ;

(j) that in case the Regulated Agent is not an exporter, it shall also obtain a certificate from the exporter to the effect that the consignment by such agent does not contain any dangerous goods referred to in clause (i) above and is safe for carriage by air. This certificate shall not in any manner, absolve the Regulated Agent of the responsibility in regard to security controls;

(k) that initial verification and periodic verification of his employees and security personnel shall be the responsibility of the Regulated Agent;

(l) that the Regulated Agent shall submit every quarter to the Bureau of Civil Aviation Security (BCAS) a list of his employees including the security personnel;

(m) that the Regulated Agent shall maintain a permanent record showing time-in and time-out for all cargo consignment dealt with by him and the same shall be produced before the inspection team appointed by the Commissioner on demand;

(n) that the Regulated Agent shall maintain a permanent record showing the security instructions (24 hours cooling, X-ray examination or physical examination) issued by the Commissioner that a particular cargo consignment dealt with by him has been subjected to, and also indicated the name of the security officials who has conducted the verification and certification. A copy of the certificate under the hand of such agent for such purpose shall be handed over to the airline along with the Air Cargo. Such certificate shall be subjected to checking by the inspection team appointed by the Commissioner;

(o) that every Regulated Agent shall comply with any other instruction issued in regard safety by the Bureau of Civil Aviation Security (BCAS) from time to time.

12. Implementation and control.— (1) The airline shall cause loading of the cargo in the aircraft in accordance with the procedure laid down by the Commissioner in accordance with the International Civil Aviation Organisation (ICAO) Standards.

(2) Every airline accepting Air Cargo from any Regulated Agent shall inspect at least 15% of the consignment at random and maintain a record of that. The acceptance of such cargo by an airline shall create liability on the part of the airline about the contents of such Cargo and their being legitimate and not in violation of any law for the time being in force. The airline shall cause loading in accordance with the International Civil Aviation Organisation's standards.

(3) Bureau of Civil Aviation Security (BCAS) and the air carriers shall carry out surprise inspection of the Regulated Agents from time to time to ensure

that there is no deviation from the security norms specified by the Bureau of Civil Aviation Security (BCAS).

(4) The Regulated Agent shall make available all necessary documents, cargo consignment, and the required security facilities for inspection by the officers of Bureau of Civil Aviation Security (BCAS) and air carrier concerned.

(5) (a) Deployment of security personnel for security functions by every Regulated Agent shall be made to such minimum number of security personnel for the purpose of performing such duties as may be necessary, in the interest of safety and security of passengers, employees, aircraft, airport and cargo premises;

(b) Every Regulated Agent shall ensure that each X-ray Baggage Inspection System (BIS) relating to his cargo business shall be manned by three trained personnel per shift for performing following functions, namely :—

- (i) the placing the bag on the conveyer belt of the X-ray Baggage Inspection System (BIS);
- (ii) the monitoring the X-ray images; and
- (iii) physically or manually checking the contents of the consignment and to provide with security sticker and band.

(c) two trained persons shall be deployed by the Regulated Agent for undertaking the following functions relating to his cargo business, namely:—

- (i) to lift heavy consignment on the idle roller and to remove from X-ray Baggage Inspection System (BIS);
- (ii) to assist in operating the security strapping machine and to keep the X-ray Baggage Inspection System (BIS) area free of carts or trolleys;
- (iii) to access control to the premises at each access point.

(6) Every security personnel employed by Regulated Agent shall be registered with the Bureau of Civil Aviation Security (BCAS) and must have qualifications and certificates of fitness in accordance with the terms and conditions specified by the Bureau of Civil Aviation Security (BCAS) from time to time in this behalf.

13. Customs Check :—(1) A Regulated Agent shall comply with the orders and directives issued by the customs and other authorities from time to time with regard to the export cargo. For this purpose, the guidelines issued by the Government of India in the Ministry dealing with Finance and the Ministry dealing with Commerce shall prevail.

(2) It shall be the responsibility of every Regulated Agent to pay all the taxes and duties as are required to be paid for export of the Air Cargo under any law for the time being in force.

14. Regulated Agent not to violate law, etc.—No Regulated Agent shall violate or contaminate the relevant provisions of Aircraft Act, 1934 (XXII of 1934), Aircraft Rules, 1937 and other rules and regulations applicable at the airports or any other law for time being in force while doing cargo business with the airlines at the airports in India and on any such violation the Commissioner may after giving him an opportunity of being heard, cancel the Certificate issued to him.

[F.No.Av.13024/112/93-SSV/Vol.III]

SARADA ALI KHAN, Dy. Secy.

Form -A

Format of Application for registration as Regulated Agent

1. Name of the Organisation applying for registration as a Regulated Agent.
2. Status of the applicant Organisation.
3. Place where the warehouse of the Regulated Agent is to be set-up and precise reasons for selection of the site.
4. Location of the site with distance from the nearest airport (Enclose a map showing location and model links with the airports)
5. Whether land for the setting up of cargo warehouse already acquired? If so, Area of land (in square metres)
Whether land is hired or on lease?
If not, how the land is proposed to be acquired.
6. Plan for securing the warehouse and its premises.
7. Name of the airlines for transportation of cargo booked by Regulated Agent.
8. Lay out plan of security checks of cargo in the warehouse including the availability or provision of electronic gadgets or plan for procurement if not available.

9. Infra-structural facilities proposed to be provided. (area in Sq. Metres)

Office accommodation for applicants' staff

Accommodation for security checks

Computer linked with the airlines and airport

Canteen

Communication facilities like telephone, fax etc.,

Flood light/high mast towers for security

Public and staff conveniences/amenities like toilets drinking water etc.

Fire fighting system

Strong Room for valuable cargo

Parking area (100 meters away from warehouse) for lorries outside the facility.

10. Experience/capability of the applicant in running the warehouse.

11. Staff to be employed with their experience and qualifications, responsibilities.

12. Equipment : Details of the equipment (X-ray baggage inspection System), HHMD, DFMFD, explosive detectors etc.

If not available the plan of procurement of the same to be given.

13. Financial status of the applicant organization.

14. Movement logistics of cargo containers between the proposed warehouse to the airport: Complete details to be provided.

I/we certify that the above details are correct to the best of my knowledge.

Signature

Name

Seal

Place

Date

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 7 मितम्बर, 2001

का.आ. 2579.—राजभाषा नियम, 1976 (सब के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय (रेलवे बोर्ड) दक्षिण मध्य रेलवे के मंडल रेल प्रबंधक कार्यालय, विजयवाड़ा तथा मध्य रेलवे के मंडल रेल प्रबंधक कार्यालय, पुणे को, जहां 80 प्रतिशत में अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करना है।

[सं. हिन्दी—2001/रा. भा 1/12/2]

आर. के. सिंह सचिव, रेलवे बोर्ड

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 7th September, 2001

S. O. 2579.—In pursuance of sub Rule (2) and (4) of Rules 10 of the Official Language (use for the official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the DRM office, Vijaywada of South Central Railway and DRM office, Pune of Central Railway, where 80% of the staff have acquired the working knowledge of Hindi.

[No. Hindi-2001/OL-1/12/2]

R. K. SINGH, Secy. Railway Board

भारतीय पुरातत्व सर्वेक्षण

आदेश

नई दिल्ली, 12 अप्रैल, 2001

का.आ. 2580:—प्राचीन स्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1959 के नियम 4 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैं, उमेश कुमार, निदेशक (प्रशासन) भारतीय पुरातत्व सर्वेक्षण एतद्वारा यह निर्देश देता हूँ कि संरक्षित स्मारकों के विभिन्न भाग, महाराष्ट्र राज्य में औरंगाबाद जिले की एल्लोरा गुफा को पुरातत्वीय अधिकारों उसके अभिकर्ताओं, अधीनस्थों, कामगारों और किसी अन्य सरकारी कर्मचारी जो सरकारी कार्यरत है, उन्हें छोड़कर किसी भी व्यक्ति के लिए एल्लोरा गुफा मंगलवार को बन्द रहेगी एवं सोमवार को खुली रहेगी इसे दिनांक 1-4-2001 से प्रभावी माना जाए।

[फा. सं. 11/5/96-एम]

उमेश कुमार, निदेशक (प्रशा.) कृते महानिदेशक

ARCHAEOLOGICAL SURVEY OF INDIA

ORDER

New Delhi, the 12th April, 2001

S.O.2580.—In exercise of the powers conferred by Rule 4 of the Ancient Monuments, Archaeological Sites and Remains, 1959, I, Umesh Kumar, Director (Admn.) Archaeological Survey of India, hereby direct that the various parts of the Protected Monuments of Ellora Caves in the district of Aurangabad in the State of Maharashtra shall be closed on Tuesday instead of Monday, (Notified earlier dated 18-2-1997) from the 1st day of April-2001 and shall not be opened to any person other than an Archaeological Officer, his Agents, Subordinate and workmen and any other Government servant on duty.

[File No. 11/5/96-M]

UMESH KUMAR, Director (Admn.)
for Director General

Broadcasting), the staff whereof more than 80% have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Centre, Bilaspur (Chhatisgarh)

2. High Power Transmitter, Barmer

3. Low Power Transmitter, Bhiwani

4. Doordarshan Centre, Kathiar

5. Doordarshan Maintenance Centre, Ahmedabad

6. Doordarshan Centre, Varanasi

7. Doordarshan Maintenance Centre, Balrampur

8. All India Radio, Barcilly

9. All India Radio, Chandrapur

10. All India Radio, Nasik

[No. E-11011/1/93-Hindi]

S. S. KATARIA, Director (OL)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 14 सितम्बर, 2001

का.आ.2581.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए) निगम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में दूरदर्शन एवं आकाशवाणी महानिदेशालय के निम्नलिखित अधीनस्थ कार्यालयों (सूचना और प्रसारण मंत्रालय) को जिनके 80% से अधिक कर्मचारीबृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है।

1. दूरदर्शन अनुसूचक केन्द्र, बिलासपुर (छत्तीसगढ़)
2. उच्च शक्ति प्रेषित, बाड़मेर।
3. अल्प शक्ति प्रेषित, भिवानी।
4. दूरदर्शन केन्द्र, कटिहार।
5. दूरदर्शन अनुसूचक केन्द्र अहमदाबाद।
6. दूरदर्शन केन्द्र, वाराणसी।
7. दूरदर्शन अनुसूचक केन्द्र, बलरामपुर।
8. आकाशवाणी, बरेली।
9. आकाशवाणी, चन्द्रपुर।
10. आकाशवाणी, नासिक।

[संख्या-ई- 11011/1/93-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 14th September, 2001

S. O. 2581.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rule, 1976, the Central Government hereby notify the following Subordinate Offices of the DG : Doordarshan and All India Radio (Ministry of Information and

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 17 सितम्बर, 2001

का.आ. 2582.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से मध्य प्रदेश राज्य में मांगल्या (इंदौर) टर्मिनल तक पेट्रोलियम उत्पादों के परिवहन के लिये भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा विस्तार पाईपलाईन बिछाई जानी चाहिये;

और ऐसी पाईपलाईन बिछाने के प्रयोजन के लिये उस भूमि में जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है और जिसके नीचे पाईपलाईन बिछाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिये जाने की तारीख से डक्कीस दिनों के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाईपलाईन बिछाने के संबंध में आपत्ति लिखित रूप में श्री प्रहलाद व्ही, कचरे, सक्षम प्राधिकारी, मुम्बई-मनमाड पाईपलाईन विस्तार परियोजना, भारत पेट्रोलियम कारपोरेशन लिमिटेड, कैप कार्यालय, पहली मंजिन, आशापुरी प्लाजा, रावलगांव नाका, मालेगांव कैम्प, मालेगांव-423105 (महाराष्ट्र) को कर सकेगा।

अनुसूची						1	2	3	4	5	6
तहसील : नांदगाव जिला : नाशिक राज्य : महाराष्ट्र											
ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र									
		हेक्टर	आर चौरस मीटर								
1	2	3	4	5	6						
1. पानेवाडी	174 भाग	0	24	96		4. पांझणदेव	65		0	45	57
	174 भाग	0	12	48		ग्राम रास्ता 13			0	00	72
	192 भाग	0	52	20		56			0	24	74
	राज्य मार्ग-24	0	05	22		55			0	12	26
	196(1) 2 भाग	0	14	94		51			0	00	12
	196(2)/1/1	0	21	24		53			0	36	55
	195/1/1अ	0	00	72		54			0	03	00
	194(1)/2अ	0	15	84		48/2			0	35	46
2. नागापुर	18	0	05	89		48/1			0	10	98
	राज्य मार्ग-24	0	04	98		77ब			0	23	78
	17	0	73	44		78			0	23	40
3. धोंटाणे खुदक	164	0	09	31		79			0	30	24
	163	0	26	78		नाला			0	04	72
	162	0	09	67		80			0	71	81
	161	0	03	04		99/1/1			0	05	04
	160	0	39	43		99/2/1			0	05	04
	159	0	40	94		99/3			0	05	04
	150	0	77	23		99/4			0	05	04
	नाला	0	02	72		99/5			0	05	04
	175	0	02	72		99/6			0	05	04
	176	0	32	27		99/7			0	05	04
	178	0	06	94		ग्राम रास्ता 134			0	02	87
	179	0	68	22		100/3			0	07	74
	180	0	00	06		100/2			0	07	74
	181	0	19	02		100/1			0	07	74
	नाला	0	00	79		5. खातगाव	140/1		0	23	00
	138/2/1ब	0	18	90		140/2			0	22	63
	138/2/2	0	23	22		141/अ			0	03	71
	139/3	0	09	72		141/ब-1			0	03	68
	141	0	03	87		141/ब-2			0	03	68
	142/1/1ब	0	16	50		141/क			0	03	68
	142/1/2/1	0	04	50		141/क-2			0	03	68
	142/1/2	0	16	50		143/3			0	31	00
	142/1/2/2/1/2	0	16	50		143/4			0	30	09
	ग्राम रास्ता 23	0	03	96		153			0	19	78
	नाला	0	07	76		155/1			0	11	34
	180/1	0	21	14		155/2			0	11	20
	181	0	44	72		155/3			0	11	20
	पांझण नदी	0	21	60		155/4			0	11	20
						156/1			0	04	81
						156/2			0	04	81
						156/3			0	04	80
						156/4			0	04	81
						वडगा नदी			0	07	20
						55/2			0	50	92
						नाला			0	04	51

1	2	3	4
6. नवसरी	99	0	09 49
	100/भाग	0	37 22
	100/भाग	0	12 90
	ग्राम रास्ता 93	0	00 88
	103	0	50 43
	43/1	0	29 00
	43/2	0	28 99
	42	0	21 96
	41/1	0	01 53
	41/2	0	01 53
	41/3	0	01 55
	40/1 } 40/2 }	0	19 82
	38	0	23 40
	नाला	0	01 11
	36	0	19 91
	32	0	26 28
	सड़क	0	00 90
	25	0	27 19
	26	0	04 68
	5	0	48 60
	4	0	08 08
	3	0	21 33
	193	0	02 45
	192	0	12 3
	190	0	14 07
	नाला	0	02 24
7. भाई	89/1	0	10 17
	89/2	0	10 17
	90	0	01 08
	एम. डी. आर. 23	0	01 38
	88	0	17 41
	86	0	16 22
	85	0	13 83
	ग्रो. डी. आर. 34	0	05 61
	84/1	0	05 05
	84/2	0	05 05
	84/3	0	05 05
	121/अ	0	08 10
	121/ब-1	0	16 38
	121/ब-2	0	16 38
	121/ब-3	0	16 38
	121/ब-4	0	16 38
	122	0	42 72
	115	0	05 17
	114	0	24 15
	112/1	0	24 04

1	2	3	4	5
	112/2/ब	0	17	15
	111	0	20	26
	110	0	22	30
8. बोंयगांव	121	0	36	72
	119/1	0	36	72
	ग्राम रास्ता 84	0	01	16
	कच्चा रास्ता	0	00	73
	122	0	37	39
	138/1	0	28	86
	139	0	04	14
	नाला	0	03	10
	140	0	23	50
	149	0	10	08
	150	0	09	00
	151	0	03	60
	152/2	0	36	00
	148	0	03	28
	144	0	10	08
	25	0	45	00

[फाईल-नंबर आर-31015/11/2001-सी आर-II]

हरीश कुमार, अध्वर सचिव

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 17th September, 2001

S.O. 2582.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Products from the Panewadi (Manmad) Installation in the State of Maharashtra, an extension pipeline to Mauglya (Indore) Terminal in the State of Madhya Pradesh should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which copies of this notification as published in the Gazette of India are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Prahalad V. Kachare, Competent Authority, Mumbai-Manmad Pipeline Extension Project (Mumbai-Manmad-Manglya), Bharat Petroleum Corporation Ltd. at camp office at 1st Floor, Ashapuri Plaza, Ravalgaon Naka, Malegaon Camp, Malegaon 423105 (Maharashtra).

SCHEDULE

Tahasil : Nandgaon District : Nashik
State : Maharashtra

Name of Village	Gat/Survey Nos.	Area		
		Hectors	Ares	Sq. Mts.
1	2	3	4	5
1. Panewadi	174/Pt.	0	24	96
	174/Pt.	0	12	48
	192/Pt.	0	52	20
	S. II. No. 24	0	05	22
	196 (1) 2/Pt.	0	14	94
	196 (2) 1/1	0	21	24
	195/1/1A	0	00	72
	194 (1) 2A	0	15	84
2. Nagapur	18	0	05	89
	Road SH-24	0	04	98
	17	0	73	44
3. Dholani Bk	169	0	09	31
	163	0	26	78
	162	0	09	67
	161	0	03	04
	160	0	39	43
	159	0	40	94
	150	0	77	23
	Drain	0	07	85

1	2	3	4	5
	175	0	02	72
	176	0	32	27
	178	0	06	94
	179	0	68	22
	180	0	00	06
	181	0	19	02
	Drain	0	00	79
	138/2/1B	0	18	90
	138/2/2	0	23	22
	139/3	0	09	72
	141	0	03	87
	142/1/1 B	0	16	50
	142/1/2/1	0	04	50
	142/1/2	0	16	50
	142/1/2/2/1/2	0	16	50
	Road, VR-23	0	03	96
	Nalla	0	07	76
	180/1	0	21	14
	181	0	44	72
	Panjhan River	0	21	60
4. Panjhandev	65	0	45	57
	Road, VR-13	0	00	72
	56	0	24	74
	55	0	12	26
	51	0	00	12
	53	0	36	55
	54	0	03	00
	48/2	0	35	46
	48/1	0	10	98
	77/B	0	23	78
	78	0	23	40
	79	0	30	24
	Nalla	0	04	72
	80	0	71	81
	99/1/1	0	05	04
	99/2/1	0	05	04
	99/3	0	05	04
	99/4	0	05	04
	99/5	0	05	04
	99/6	0	05	04
	99/7	0	05	04
	Road, VR-134	0	02	87
	100/3	0	07	74
	100/2	0	07	74
	100/1	0	07	74

1	2	3	4	5	1	2	3	4	5
5. Khadgaon	140/1	0	23	00		192	0	12	36
	140/2	0	22	63		190	0	14	07
	141/A	0	03	71		Nalla	0	02	24
	141/B-1	0	03	68					
	141/B-2	0	03	68	7. Bhardi	89/1	0	10	17
	141/C	0	03	68		89/2	0	10	17
	141/C-2	0	03	68		90	0	01	08
	143/3	0	31	00		Road, MDR-23	0	01	38
	143/4	0	30	09		88	0	17	41
	153	0	19	78		86	0	16	22
	155/1	0	11	34		85	0	13	83
	155/2	0	11	20		Road, ODR-34	0	05	61
	155/3	0	11	20		84/1	0	05	05
	155/4	0	11	20		84/2	0	05	05
	156/1	0	04	81		84/3	0	05	05
	156/2	0	04	81		121/A	0	08	10
	156/3	0	04	80		121/B-1	0	16	38
	156/4	0	04	81		121/B-2	0	16	38
	Wadga River	0	07	20		121/B-3	0	16	38
	55/2	0	50	92		121/B-4	0	16	38
	Venky Nalla	0	04	51		122	0	42	72
						115	0	05	17
6. Navsari	99	0	09	49		114	0	24	15
	100 pt.	0	37	22		112/1	0	24	04
	100 pt.	0	12	90		112/2/B	0	17	15
	Road, VR-93	0	00	88		111	0	20	26
	103	0	50	43		110	0	22	30
	43/1	0	29	00					
	43/2	0	28	99	8. Boygaon	121	0	36	72
	42	0	21	96		119/1	0	36	72
	41/1	0	01	53		Road, VR-84	0	01	16
	41/2	0	01	53		Cart Track	0	00	73
	41/3	0	01	55		122	0	37	39
	40/1 }					138/1	0	28	86
	40/2 }	0	19	82		139	0	04	14
	38	0	23	40		Nalla	0	03	10
	Nalla	0	01	11		140	0	23	50
	36	0	19	91		149	0	10	08
	32	0	26	28		150	0	09	00
	Road	0	00	90		151	0	03	60
	25	0	27	19		152/2	0	36	00
	26	0	04	68		148	0	03	28
	5	0	48	60		144	0	10	08
	4	0	08	08		25	0	45	00
	3	0	21	33					
	193	0	02	45					

[F. No. R-31015/11/2001-OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 25 सितम्बर, 2001

का. आ. 2583.—केंद्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केंद्रीय सरकार को यह प्रतीत होता है कि ऐसी विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के या भूमि में पाइपलाइन बिछाने के लिए अधिकार के अर्जन के लिए लिखित रूप में आक्षेप श्री प्रह्लाद व्ही. कचरे, सक्षम प्राधिकारी, मुंबई-मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कारपोरेशन लिमिटेड, पहली मंजिल, सेवा कॉम्प्लेक्स, गुरुद्वारा के सामने, मुंबई-आगरा महामार्ग, धुलिया-424001 (महाराष्ट्र) को कर सकेगा।

अनुसूची

तहसील : शिरपुर	जिला : धुलिया	राज्य : महाराष्ट्र
ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र
		हेक्टेयर आर चौरस मीटर
1. थालनेर	तापी नदी	0 76 82
	274	0 36 27
	273/1	0 20 11
	273/2	0 20 11
	273/3	0 20 11
	277	0 36 27
	278/1	0 01 40
	280/1	0 27 28
	280/3	0 27 28
	कच्चा रास्ता	0 01 97
	281/1	0 17 69
	269/1	0 70 20
	269/1अ/1	0 70 20
	269/1ब/2	0 70 20
	269/1क/3/1	0 70 20

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र
		हेक्टेयर आर चौरस मीटर
1. थालनेर--(क्रमशः)	269/1क/3/2	0 70 20
	269/2	0 70 20
	267	0 12 60
	283/1	0 02 27
	283/2	0 02 27
	283/3	0 02 27
	एम.डी. आर.-34	0 03 42
	427	0 07 20
	429	0 05 03
	426	0 22 51
	422	0 04 16
	423	0 27 00
	421	0 12 63
	420/1	0 25 20
	420/2	0 25 20
	393/1	0 10 44
	393/2	0 10 44
	418/1	0 20 52
	418/2	0 20 52
	417	0 22 14
	416	0 24 95
	415	0 03 00
	413/1	0 14 40
	413/2	0 14 40
	413/3	0 14 40
	414/1	0 23 40
	414/2	0 23 40
	414/3	0 23 40
	414/4	0 23 40
	ग्राम रास्ता-1	0 01 44
	407/1	0 15 22
	407/2/1	0 15 22
	407/2/2	0 15 22
	407/3/1	0 15 22
	407/3/2	0 15 22
	ग्राम रास्ता-1	0 00 72
	408/1	0 28 80
	408/2	0 28 80
	नाला	0 05 40
2. ताजपुरी	188/1	0 13 16
	188/2	0 02 80
	185	0 04 80
	नाला	0 02 45

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
2. ताजपुरी—(क्रमशः)	187/1	0	26	80	3. अहिल्यापुर (क्रमशः)	122/1	0	42	31
	187/2	0	26	80		122/2	0	42	31
	163/1ब	0	63	19		122/3	0	42	31
	163/2अ	0	63	19		122/4	0	42	31
	163/1अ	0	63	19		122/5	0	42	31
	163/2ब	0	63	19		नाला	0	02	70
	157/अ/1अ	0	60	12		121/1	0	08	46
	157/अ-1ब	0	60	12		121/2	0	08	46
	157/अ-1क	0	60	12		140/2/2	0	75	82
	157/अ2	0	60	12		140/2/1	0	75	82
	157/ब1	0	60	12		140/2	0	75	82
	157/ब2	0	60	12		140/1/1	0	75	82
	157/अ3अ	0	60	12	4. गरताड	141	0	34	90
	157/ब3ब	0	60	12		72	0	01	49
	156/1	0	22	77		71	0	09	12
	156/2	0	22	77		70/अ	0	21	06
	कच्चा रास्ता	0	01	48		70/ब	0	21	06
	103	0	25	42		69/1	0	21	06
	100	0	46	29		69/2	0	21	06
	64	0	01	14		61/1	0	22	32
	सड़क	0	02	81		61/2	0	22	32
	94/1	0	39	47		60	0	09	78
	94/2	0	39	47		59	0	10	56
	76/अ	0	02	22		58	0	05	17
	76/ब	0	02	22		57/1	0	09	57
	90	0	17	07		57/2	0	09	57
	83	0	02	28		56/1	0	22	61
	84/1	0	14	22		56/2/1	0	22	61
	84/2	0	14	22		56/2/1/1	0	22	61
	89	0	19	73		56/2/1/2	0	22	61
	88	0	01	04		54/1	0	11	92
3. अहिल्यापुर	106/1	0	10	55		54/2	0	11	92
	106/2	0	10	55		53	0	19	74
	106/3	0	10	55		44/1	0	04	22
	106/4/1	0	10	55		44/2	0	04	22
	106/4/2	0	10	55		45	0	08	39
	107/1/1	0	10	01		47	0	14	03
	107/1/2	0	10	01	5. दहीवद	48/1	0	23	35
	107/2	0	10	01		48/2	0	23	35
	कच्चा रास्ता	0	00	62		138/1	0	49	09
						138/2	0	49	09
						138/3	0	49	09
						138/4	0	49	09
						139/अ	0	34	25

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
5. दहीवद-(क्रमशः) 139/ब		0	34	25	5. दहीवद-(क्रमशः) 385/1		0	21	20
139/क		0	34	25	385/2		0	21	20
140		0	13	61	385/3/1		0	21	20
कच्चा रास्ता		0	04	92	379/1		0	32	92
216		0	11	79	379/2		0	32	92
नाला		0	05	86	379/3		0	32	92
217/1		0	18	12	कच्चा रास्ता और 384/1		0	01	09
217/2		0	18	12	384/2		0	01	09
283/1		0	13	28	396/1		0	37	01
283/2		0	13	28	396/2		0	37	01
282/1		0	34	75	397		0	34	40
282/2		0	34	75	545/1		0	19	83
285/अ-1		0	32	71	545/1/1		0	19	83
285/अ-2		0	32	71	545/2		0	19	83
285/अ-3		0	32	71	545/3		0	19	83
285/अ-5		0	32	71	नाला		0	02	06
285/ब		0	32	71	559		0	25	04
287		0	08	78	कच्चा रास्ता		0	00	74
289		0	45	12	544/1/1		0	06	42
296/1/2		0	23	10	544/1/2		0	06	42
296/1/3		0	23	10	544/1+2		0	06	42
राष्ट्रीय महामार्ग 3		0	08	62	543		0	03	96
314		0	17	17	560		0	15	27
कच्चा रास्ता		0	01	80	564		0	12	43
334		0	15	66	565		0	18	60
335		0	13	27	566		0	11	55
336/1		0	18	15	567		0	27	94
336/2		0	18	15	नाला		0	02	16
कच्चा रास्ता		0	01	08	ग्राम रास्ता-24		0	05	40
337/1अ		0	44	71	कच्चा रास्ता		0	00	91
337/1ब		0	44	71	588/3		0	09	37
339		0	27	46	नाला		0	04	02
374		0	18	00	570		0	48	11
373		0	03	59	नाला		0	05	54
376/1		0	10	80	572		0	03	45
376/2		0	10	80	573/1		0	50	44
375		0	00	40	573/2		0	50	44
नाला		0	00	90	528		0	37	02
386/1/1		0	31	58	527		0	25	20
कच्चा रास्ता		0	01	79	6. नटवाडे (लौकी)		35	0	20
					36/1		0	20	07

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
6. नटवाडे (लौकी) - (क्रमशः)					8. हाडाखेड	2	0	15	45
36/2	0	37	42		4	0	35	15	
36/3	0	37	42		नाला	0	02	43	
नाला	0	02	48		61	0	61	12	
नाला	0	05	96		60	0	16	66	
43	0	57	38		58/1	0	64	23	
47/1	0	29	13		58/2	0	64	23	
48/1	0	21	77		58/3	0	64	23	
48/2	0	21	77		नाला	0	02	61	
50	0	66	68		सडक	0	01	27	
ग्राम रोड-75	0	02	11		55/1	0	25	36	
53/1	0	57	40		55/2अ	0	25	36	
53/2	0	57	40		55/2ब	0	25	36	
53/3	0	57	40		55/2-क	0	25	36	
53/4	0	57	40		55/3/1	0	25	36	
53/5	0	57	40		55/3/2	0	25	36	
53/6	0	57	40		नाला	0	03	70	
53/7	0	57	40		56/1	0	37	44	
53/8	0	57	40		56/2	0	37	44	
53/9	0	57	40		56/3	0	37	44	
11/1	0	73	27		56/4	0	37	44	
11/2	0	73	27		56/5	0	37	44	
नाला	0	05	21		नाला	0	02	80	
12	0	31	75		9. सांगवी	अरुणावती नदी	0	21	26
नाला	0	11	85		41/1	0	31	64	
7. सुले	जिरभाषी नाला	0	12	78	41/2	0	31	64	
21/1	0	25	12		42/1/अ	0	21	60	
21/2	0	25	12		42/1/ब	0	21	60	
21/3	0	25	12		42/2/अ	0	21	60	
21/4	0	25	12		42/2/ब	0	21	60	
22	0	02	97		34/1	0	50	20	
20	0	01	25		34/2	0	50	20	
23/1	0	35	90		34/3/अ	0	50	20	
23/2	0	35	90		34/3/ब	0	50	20	
25	0	32	06		34/3/क	0	50	20	
31/1	0	50	84		34/3/ड	0	50	20	
31/2	0	50	84		33/1	0	08	46	
31/3	0	50	84		33/2	0	08	46	
31/4/1	0	50	84		33/3	0	08	46	
31/5/अ-1	0	50	84						
31/5/ब	0	50	84						
31/4/2	0	50	84						
31/5अ/2	0	50	84						

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
9. सांगवी--(क्रमशः)	33/4	0	08	46	10. पलासनेर	94/1	0	61	20
	31/1	0	05	68		94/2	0	61	20
	31/2	0	05	68		94/3	0	61	20
	31/3	0	05	68		94/4	0	61	20
	31/4	0	05	68		101/2	0	40	50
	31/5अ	0	05	68		101/7	0	40	50
	31/5ब	0	05	68		नाला	0	02	70
	32	0	31	30		102/1	0	16	34
	20/1	0	30	89		102/2	0	16	34
	20/2	0	30	89		103/1	0	15	69
	21	0	14	22		103/2	0	15	69
	15/1	0	32	34		103/3	0	15	69
	15/2	0	32	34		103/4	0	15	69
	15/3	0	32	34		104	0	21	79
	15/4	0	32	34		105/1	0	12	80
	13/1	0	46	32		105/2	0	12	80
	13/2	0	46	32		111/1	0	28	19
	7/1/अ	0	16	92		111/2	0	28	19
	7/1/ब	0	16	92		111/3	0	28	19
	7/1/क	0	16	92		110/1	0	22	30
	7/1/ड	0	16	92		110/2	0	22	30
	7/2/1	0	16	92		109	0	39	06
	7/2/2	0	16	92	11. हेदन्या	1/1	0	27	72
	राज्यमार्ग-1	0	06	84		1/2	0	27	72
	6/1	0	39	31		कच्चा रास्ता	0	00	54
	6/2	0	39	31		15	0	47	34
	6/3	0	39	31		नाला	0	05	04
	5/1	0	41	96		14	0	53	46
	5/2	0	41	96		कच्चा रास्ता	0	00	80
	5/3	0	41	96		13/3	0	00	94
	5/4	0	41	96		10	0	53	10
	5/5/1	0	41	96		11	0	23	22
	5/5/2	0	41	96		8/1	0	27	75
	5/5/3	0	41	96		8/2	0	27	75
	4/1अ	0	87	05		8/3	0	27	75
	4/1ब	0	87	05		8/4	0	27	75
	4/2	0	87	05		ग्राम मार्ग-71	0	02	41
	4/3	0	87	05		7	0	06	90
	4/4	0	87	05					
	4/5	0	87	05					

[फा. नं. आर.-31015/14/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 25th September, 2001

S.O. 2583.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from the Panewadi (Manmad) terminal in the State of Maharashtra, an extension pipeline to Manglya (Indore) in the State of Madhya Pradesh should be laid by the Bharat Petroleum Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such extension pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the rights of user in the land described in the said Schedule;

Any person interested in the land described in the said Schedule may, within, twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Prahlad V. Kachare, Competent Authority, Mumbai Manmad Pipeline Extension Project, Bharat Petroleum Corporation Ltd., 1st Floor, Seva Complex, Opp. Gurudwara, Mumbai Agra Road, Dhule-424001 (Maharashtra).

SCHEDULE

Tehsil Shirpur District : Dhule State : Maharashtra

Name of Village	Gat/Survey No	Area		
		Hectars	Are	Sq. Mts.
1 Thalner	Tapi River	0	76	82
	274	0	36	27
	273/1	0	20	11
	273/2	0	20	11
	273/3	0	20	11
	277	0	36	27
	278/1	0	01	40
	280/1	0	27	28
	280/3	0	27	28
	Cart Track	0	01	97
	281/1	0	17	69
	269/1	0	70	20
	269/1A/1	0	70	20

Name of Village	Gat/Survey No.	Area		
		Hectars	Are	Sq. Mts.
	269/1B/2	0	70	20
	269/1C/3/1	0	70	20
	269/1C/3/2	0	70	20
	269/2	0	70	20
	267	0	12	60
	283/1	0	02	27
	283/2	0	02	27
	283/3	0	02	27
	Road MDR-34	0	03	42
	427	0	07	20
	429	0	05	03
	426	0	22	51
	422	0	04	16
	423	0	27	00
	421	0	12	63
	420/1	0	25	20
	420/2	0	25	20
	393/1	0	10	44
	393/2	0	10	44
	418/1	0	20	52
	418/2	0	20	52
	417	0	22	14
	416	0	24	95
	415	0	03	00
	413/1	0	14	40
	413/2	0	14	40
	413/3	0	14	40
	414/1	0	23	40
	414/2	0	23	40
	414/3	0	23	40
	414/4	0	23	40
	Road, VR-1	0	01	44
	407/1	0	15	22
	407/2/1	0	15	22
	407/2/2	0	15	22
	407/3/1	0	15	22
	407/3/2	0	15	22
	Road, VR-1	0	00	72
	408/1	0	28	80
	408/2	0	28	80
	Nalla	0	05	40

Name of Village	Gat/Survey No.	Area			Name of Village	Gat/Survey No.	Area		
		Hectars	Ares	Sq. Mts.			Hectars	Ares	Sq. Mts.
2. Tajpuri	188/1	0	13	16	3. Ahilyapur-Contd.	107/2	0	10	01
	188/2	0	02	80		Cart Track	0	00	62
	185	0	04	80		122/1	0	42	31
	Nalla	0	02	45		122/2	0	42	31
	187/1	0	26	80		122/3	0	42	31
	187/2	0	26	80		122/4	0	42	31
	163/1B	0	63	19		122/5	0	42	31
	163/2A	0	63	19		Nalla	0	02	70
	163/1A	0	63	19		121/1	0	08	46
	163/2B	0	63	19		121/2	0	08	46
	157/A/1A	0	60	12	4. Gartad	140/2/2	0	75	82
	157/A-1B	0	60	12		140/2/1	0	75	82
	157/A-1C	0	60	12		140/2	0	75	82
	157/A2	0	60	12		140/1/1	0	75	82
	157/B1	0	60	12		141	0	34	90
	157B2	0	60	12		72	0	01	49
	157/A3A	0	60	12		71	0	09	12
	157/B3B	0	60	12		70/A	0	21	06
	156/1	0	22	77		70/B	0	21	06
	156/2	0	22	77		69/1	0	21	06
	Cart Track	0	01	48		69/2	0	21	06
	103	0	25	42		61/1	0	22	32
	100	0	46	29		61/2	0	22	32
	64	0	01	14		60	0	09	78
	Road	0	02	81		59	0	10	56
	94/1	0	39	47		58	0	05	17
	94/2	0	39	47		57/1	0	09	57
	76/A	0	02	22		57/2	0	09	57
	76/B	0	02	22		56/1	0	22	61
	90	0	17	07		56/2/1	0	22	61
	83	0	02	28		56/2/1/1	0	22	61
	84/1	0	14	22		56/2/1/2	0	22	61
	84/2	0	14	22		54/1	0	11	92
	89	0	19	73		54/2	0	11	92
	88	0	01	04		53	0	19	74
3. Ahilyapur	106/1	0	10	55		44/1	0	04	22
	106/2	0	10	55		44/2	0	04	22
	106/3	0	10	55		45	0	08	39
	106/4/1	0	10	55		47	0	14	03
	106/4/2	0	10	55		48/1	0	23	35
	107/1/1	0	10	01		48/2	0	23	35
	107/1/2	0	10	01					

Name of Village	Gat/Survey No.	Area		
		Hectars	Are	Sq. Mts.
5. Dahiwad	138/1	0	49	09
	138/2	0	49	09
	138/3	0	49	09
	138/4	0	49	09
	139/A	0	34	25
	139/B	0	34	25
	139/C	0	34	25
	140	0	13	61
	Cart Track	0	04	92
	216	0	11	79
	Nalla	0	05	86
	217/1	0	18	12
	217/2	0	18	12
	283/1	0	13	28
	283/2	0	13	28
	282/1	0	34	75
	282/2	0	34	75
	285/A-1	0	32	71
	285/A-2	0	32	71
	285/A-3	0	32	71
	285/A-5	0	32	71
	285/B	0	32	71
	287	0	08	78
	289	0	45	12
	296/1/2	0	23	10
	296/1/3	0	23	10
	Road, NH 3	0	08	62
	314	0	17	17
	Cart Track	0	01	80
	334	0	15	66
	335	0	13	27
	336/1	0	18	15
	336/2	0	18	15
	Cart Track	0	01	08
	337/1A	0	44	71
	337/1B	0	44	71
	339	0	27	46
	374	0	18	00
	373	0	03	59
	376/1	0	10	80
	376/2	0	10	80
	375	0	00	40

Name of Village	Gat/Survey No.	Area		
		Hectars	Are	Sq. Mts.
5. Dahiwad	Drain	0	00	90
(Contd.)	386/1/1	0	31	58
	Cart Track	0	01	79
	385/1	0	21	20
	385/2	0	21	20
	385/3/1	0	21	20
	379/1	0	32	92
	379/2	0	32	92
	379/3	0	32	92
	CT, 384/1	0	01	09
	384/2	0	01	09
	396/1	0	37	01
	396/2	0	37	01
	397	0	34	40
	545/1	0	19	83
	545/1/1	0	19	83
	545/2	0	19	83
	545/3	0	19	83
	Nalla	0	02	06
	559	0	25	04
	Cart Track	0	00	74
	544/1/1	0	06	42
	544/1/2	0	06	42
	544/1+2	0	06	42
	543	0	03	96
	560	0	15	27
	564	0	12	43
	565	0	18	60
	566	0	11	55
	567	0	27	94
	Nalla	0	02	16
	Road, VR-24	0	05	40
	Cart Track	0	00	91
	588/3	0	09	37
	Nalla	0	04	02
	570	0	48	11
	Nalla	0	05	54
	572	0	03	45
	573/1	0	50	44
	573/2	0	50	44
	528	0	37	02
	527	0	25	20

Name of Village	Gat/Survey No.	Area			Name of Village	Gat/Survey No.	Area		
		Hectares	Are	Sq. Mts.			Hectares	Are	Sq. Mts.
6. Natwade (Lauki)	35	0	20	07	8. Hadhed	2	0	15	45
	36/1	0	37	42		4	0	35	15
	36/2	0	37	42		Drain	0	02	43
	36/3	0	37	42		61	0	61	12
	Nalla	0	02	48		60	0	16	66
	Nalla	0	05	96		58/1	0	64	23
	43	0	57	38		58/2	0	64	23
	47/1	0	29	13		58/3	0	64	23
	48/1	0	21	77		Drain	0	02	61
	48/2	0	21	77		Road	0	01	27
	50	0	66	68		55/1	0	25	36
	Road, VR-75	0	02	11		55/2A	0	25	36
	53/1	0	57	40		55/2B	0	25	36
	53/2	0	57	40		55/2C	0	25	36
	53/3	0	57	40		55/3/1	0	25	36
	53/4	0	57	40		55/3/2	0	25	36
	53/5	0	57	40		Drain	0	03	70
	53/6	0	57	40		56/1	0	37	44
	53/7	0	57	40		56/2	0	37	44
	53/8	0	57	40		56/3	0	37	44
	53/9	0	57	40		56/4	0	37	44
	11/1	0	73	27		56/5	0	37	44
	11/2	0	73	27		Drain	0	02	80
	Nalla	0	05	21	9. Sangvi	Arunavati River	0	21	26
	12	0	31	75		41/1	0	31	64
	Nalla	0	11	85		41/2	0	31	64
7. Sule	Jirbhavir Nalla	0	12	78		42/1/A	0	21	60
	21/1	0	25	12		42/1/B	0	21	60
	21/2	0	25	12		42/2/A	0	21	60
	21/3	0	25	12		42/2/B	0	21	60
	21/4	0	25	12		34/1	0	50	20
	22	0	02	97		34/2	0	50	20
	20	0	01	25		34/3/A	0	50	20
	23/1	0	35	90		34/3/B	0	50	20
	23/2	0	35	90		34/3/C	0	50	20
	25	0	32	06		34/3/D	0	50	20
	31/1	0	50	84		33/1	0	08	46
	31/2	0	50	84		33/2	0	08	46
	31/3	0	50	84		33/3	0	08	46
	31/4/1	0	50	84					
	31/5/A-1	0	50	84					
	31/5/B	0	50	84					
	31/4/2	0	50	84					
	31/5A/2	0	50	84					

Name of Village	Gat/Survey No	Area			Name of Village	Gat/Survey No	Area		
		Hectares	Are	Sq Mts			Hectares	Are	Sq Mts
9 Sangvi—Contd	33/4	0	08	46	10 Palasner	94/1	0	61	20
	31/1	0	05	68		94/2	0	61	20
	31/2	0	05	68		94/3	0	61	20
	31/3	0	05	68		94/4	0	61	20
	31/4	0	05	68		101/2	0	40	50
	31/5A	0	05	68		101/7	0	40	50
	31/5B	0	05	68		Drain	0	02	70
	32	0	31	30		102/1	0	16	34
	20/1	0	30	89		102/2	0	16	34
	20/2	0	30	89		103/1	0	15	69
	21	0	14	22		103/2	0	15	69
	15/1	0	32	34		103/3	0	15	69
	15/2	0	32	34		103/4	0	15	69
	15/3	0	32	34		104	0	21	79
	15/4	0	32	34		105/1	0	12	80
	13/1	0	46	32		105/2	0	12	80
	13/2	0	46	32		111/1	0	28	19
	7/1/A	0	16	92		111/2	0	28	19
	7/1/B	0	16	92		111/3	0	28	19
	7/1/C	0	16	92		110/1	0	22	30
	7/1/D	0	16	92		110/2	0	22	30
	7/2/1	0	16	92	11 Hedrya	109	0	39	06
	7/2/2	0	16	92		1/1	0	27	72
	Road, SH-1	0	06	84		1/2	0	27	72
	6/1	0	39	31		Cart Track	0	00	54
	6/2	0	39	31		15	0	47	34
	6/3	0	39	31		Drain	0	05	04
	5/1	0	41	96		14	0	53	46
	5/2	0	41	96		Cart Track	0	00	80
	5/3	0	41	96		13/3	0	00	94
	5/4	0	41	96		10	0	53	10
	5/5/1	0	41	96		11	0	23	22
	5/5/2	0	41	96		8/1	0	27	75
	5/5/3	0	41	96		8/2	0	27	75
	4/1A	0	87	05		8/3	0	27	75
	4/1B	0	87	05		8/4	0	27	75
	4/2	0	87	05		Road, VR-71	0	02	41
	4/3	0	87	05		7	0	06	90
	4/4	0	87	05	[F No R-31015/14/2001-OR-II] HARISH KUMAR Under Secy				
	4/5	0	87	05					

नई दिल्ली, 25 सितम्बर, 2001

का.आ. 2584—केंद्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से मध्य प्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि ऐसी विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब: केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उसमें उपयोग के या भूमि के नीचे पाइपलाइन बिछाए जाने के लिए अधिकार के अर्जन के लिए लिखित रूप में श्री प्रहलाद खी, कचरे, सक्षम प्राधिकारी, मुंबई मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कारपोरेशन लिमिटेड, पहली मंजिल, सेवा कॉम्प्लेक्स, गुरुद्वारा के सामने, मुंबई आगरा मार्ग, धुलिया 424001 (महाराष्ट्र) को आक्षेप कर सकेगा;

अनुसूची

तहशिल : अमलनेर जिला : जलगांव राज्य : महाराष्ट्र

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर
1	2	3	4	5
1 चोपड़ाई	25	0	47	01
	मड़क	0	01	08
	24	0	04	20
	27	0	10	80
	29/1	0	36	54
	29/2	0	36	54
	नाला	0	01	26
	23	0	16	20
	22	0	19	80
	31	0	03	60
	32	0	12	24
	21/अ-1	0	15	48
	21/1ब/अ	0	15	48
	21/ब-1/ब/अ	0	15	48
	21/-ब/1ब/1ब	0	15	48
	21/ब/1ब/2	0	15	48

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर
1. चोपड़ाई-(जारी)	21/ब-2	0	15	48
	21/ब-3/2	0	15	48
	36/1	0	02	64
	36/2-1अ	0	02	64
	36/2-2	0	02	64
	35/1	0	52	32
	35/2	0	52	32
	34/1ब	0	34	20
	34/2ब	0	34	20
	34/2-2	0	34	20
	कच्चा रास्ता	0	00	72
	37/1अ	0	00	90
	42	0	12	78
	40/1	0	40	30
	40/2	0	40	30
	नाला	0	03	42
	41/1	0	33	37
	41/2अ	0	33	37
	12	0	00	70
	47/1	0	01	63
	47/2	0	01	63
	47/3	0	01	63
	कच्चा रास्ता	0	01	98
	11	0	26	28
	48/1	0	44	96
	48/2	0	44	96
	49/अ	0	00	21
	49/ब	0	00	21
	51	0	13	69
	राज्य मार्ग 14	0	05	40
	52/1	0	19	98
	52/2	0	19	98
	54/1	0	04	07
	54/2	0	04	07
	58/1	0	59	58
	58/2अ	0	59	58
	रोड	0	01	98
	61	0	09	72
	80	0	10	70
	79	0	12	24

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
1. चोपड़ाई—जारी	77	0	06	83	3. जवखेडे—जारी	478	0	22	50
	76	0	06	32		479	0	01	17
	नाला	0	02	08		469/1/2	0	30	78
	84	1	76	04		469/2	0	30	78
	नाला	0	00	27		नाला	0	00	54
2. अंचलवाडो	12/1	0	05	79		492	0	11	35
	12/2	0	05	79		493	0	29	70
	13/1	0	20	05		495	0	09	00
	13/2	0	20	05		446	0	09	00
	15/1	0	16	75		447	0	08	10
	15/2	0	16	75		446/1	0	15	30
	कच्चा रास्ता	0	00	36		एम.डी.आर.-53	0	02	70
	17/1	0	56	88		435	0	22	50
	17/2	0	56	88		ओ.डी.आर.-121	0	03	60
	19	0	18	01		263	0	21	60
	21	0	17	90		272/1	0	20	52
	24	0	23	32		कच्चा रास्ता	0	01	44
	23/2	0	15	11		273	0	00	17
	23/3	0	15	11		114	0	21	60
3. जवखेडे	551	0	06	73		249	0	05	76
	541/1/1	0	22	21		248	0	04	68
	541/1/2	0	22	21		247	0	05	40
	541/3/2	0	22	21		246	0	05	94
	541/4/2	0	22	21		245	0	05	22
	549	0	01	01		244	0	05	58
	542/1	0	09	17		243	0	05	94
	542/2	0	09	17		242	0	06	30
	543	0	09	18		241	0	01	62
	544	0	20	48		नाला	0	07	56
	531/1/1	0	24	81		238	0	39	60
	531/2	0	24	81		नाला	0	00	90
	702	0	00	60		239	0	14	58
	530/1	0	32	73		229	0	22	68
	530/2/1	0	32	73		एम.डी.आर.-53	0	03	96
	530/2/2	0	32	73		208	0	09	00
	527	0	39	96		कच्चा रास्ता	0	00	72
	नाला	0	08	10		210/1	0	24	40
	कच्चा रास्ता	0	00	90		210/2	0	24	40
	475	0	07	93		212	0	38	24
	477/2	0	21	96					

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
4. वावडे—जारी	270/2	0	14	76	5. लोणसीम—जारी	69/2	0	25	20
	271/1	0	15	63		65	0	13	50
	271/2	0	15	63		66/1	0	13	32
	272/क	0	34	54		66/2	0	13	32
	341	0	32	16		60	0	09	72
	कच्चा रास्ता	0	00	38		57	0	12	24
	338/1/1	0	84	60		58	0	06	30
	338/1/2	0	84	60		59	0	06	48
	338/1/3	0	84	60		125	0	10	80
	338/2/2	0	84	60		एम.डी. आर.-60	0	03	96
	338/2/3	0	84	60		124	0	14	76
	338/2/1	0	84	60		121/1	0	04	14
	कच्चा रास्ता	0	00	38		121/1ब	0	04	14
	337/1	0	35	66	6 लोणचारम	120	0	04	68
	337/2	0	35	66		122	0	17	10
	447	0	13	85		113	0	32	76
	एम.डी.आर.-54	0	03	60		नाला	0	09	00
	435	0	27	11		97/1	0	22	50
	422	0	43	45		98/1	0	27	32
	428	0	24	59		98/2	0	27	32
	425/1	0	32	22		63	0	00	09
	425/2	0	32	22		61/1	0	25	24
	37/4	0	10	70		61/2	0	25	24
	ग्राम रास्ता-57	0	03	60		61/3	0	25	24
	नाला	0	05	45		64/3	0	11	63
	29/1	0	45	57		68	0	45	61
	52/3	0	12	24		72/1अ	0	29	85
	27	0	11	88		72/1ब	0	29	85
	51/2	0	16	70		72/2	0	29	85
	नाला	0	01	08		73/1	0	06	24
	51/1	0	28	08		73/2	0	06	24
	लोणी मंडल रोड	0	00	54		ग्राम रोड-80	0	04	50
5. लोणसीम	41	0	03	74	7. भरवस	132	0	37	42
	42	0	14	90		131	0	24	33
	43	0	30	17		129	0	51	12
	45	0	23	59		110	0	17	28
	कच्चा रास्ता	0	00	72		111	0	13	86
	48/1	0	21	24		कच्चा रास्ता	0	00	90
	47/1	0	05	40		199	0	01	40
	47/2	0	05	40					
	64	0	00	60					
	69/1	0	25	20					

ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र			ग्राम का नाम	गट/सर्वे नंबर	क्षेत्र		
		हेक्टेयर	आर	चौरस मीटर			हेक्टेयर	आर	चौरस मीटर
7. भरषस—जारी	198	0	17	78	8. एकलहरे—जारी	306/1	0	03	60
	191	0	00	35		306/2	0	03	60
	193	0	25	20		304	0	17	10
	194/1	0	20	70		लौकी नदी	0	09	36
	194/2	0	20	70	9. एकतास	108/1अ	0	26	82
	195	0	00	28		108/1ब	0	26	82
	नाला	0	01	26		108/2	0	26	82
	197	0	22	50		109/अ	0	23	40
	215/1	0	27	54		109/ब	0	23	40
	215/2	0	27	54		नाला	0	00	90
	216	0	27	36		110/अ	0	47	16
8. एकलहरे	159/1	0	78	84		110/ब	0	47	16
	159/2/अ	0	78	84		110/ब2	0	47	16
	159/2ब	0	78	84		110/ब3	0	47	16
	165	0	27	36		110/ब4	0	47	16
	166/ब/1	0	12	78		116	0	01	44
	166/क/1	0	12	78		ग्राम रास्ता-1	0	03	06
	168	0	11	88	10. भीलासी	144/1/ब	0	25	92
	169	0	12	96		141/1	0	32	82
	111	0	19	80		141/2	0	32	82
	110	0	08	10		142/1	0	20	77
	पश्चिम रेल मार्ग	0	25	74		142/2	0	20	77
	108	0	23	22		138/1ब	0	19	80
	राज्यमार्ग-6	0	06	12		138/2	0	19	80
	107	0	10	80		137	0	32	56
	55	0	24	30		67/अ	0	27	77
	नाला	0	00	72		67/ब-1	0	27	77
	53	0	27	00		67/ब-2	0	27	77
	52	0	01	04		नाला	0	00	60
	49	0	36	00		80	0	15	84
	नाला	0	01	08		79	0	10	82
	4/1	0	33	30		82	0	17	10
	4/2	0	33	30		एम.डी.आर.-55	0	04	32
	4/3	0	33	30		7	0	09	00
	3	0	07	56		6/1ब	0	33	48
	कच्चा रास्ता	0	00	90		6/2ब	0	33	48
	308/2	0	12	60		11/अ	0	18	90
	307/1	0	14	76		11/ब	0	18	90
	307/2	0	14	76		6/1ड	0	17	64
	305	0	27	00	[फा. सं. आर-31015/15/2001-ओ.आर-II]				
					हरीश कुमार, अवर सचिव				

New Delhi, the 25th September, 2001

S.O. 2584 .—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from the Panewadi (Manmad) terminal in the State of Maharashtra, an extension pipeline to Manglya (Indore) in the State of Madhya Pradesh should be laid by the Bharat Petroleum Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such extension pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user in the land described in the said Schedule;

Any person interested in the land described in the said Schedule may, within, twenty-one days from the date on which copies of this notification, published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Prahalad V. Kachare, Competent Authority, Mumbai Manmad Pipeline Extension Project, Bharat Petroleum Corporation Ltd., 1st Floor, Seva Complex, Opp Gurudwara, Mumbai-Agra Road, Dhule-424 001 (Maharashtra)

SCHEDULE

Taluka Amalner District Jalgaon State Maharashtra

Name of Village	Gat/Survey No	Area		
		Hectors	Area	Sq. Mts.
1. Chopdai	25	0	47	01
	Road	0	01	08
	24	0	04	20
	27	0	10	80
	29/1	0	36	54
	29/2	0	36	54
	Drain	0	01	26
	23	0	16	20
	22	0	19	80
	31	0	03	60
	32	0	12	24
	21/A-1	0	15	48
	21/1B/A	0	15	48
1 Chopdai—Contd.	21/B-1/B/A	0	15	48

Name of Village	Gat/Survey No.	Area		
		Hectors	Area	Sq. Mts.
	21/-B/1B/1B	0	15	48
	21/B/1B/2	0	15	48
	21/B-2	0	15	48
	21/B-3/2	0	15	48
	36/1	0	02	64
	36/2-1A	0	02	64
	36/2-2	0	02	64
	35/1	0	52	32
	35/2	0	52	32
	34/1B	0	34	20
	34/2B	0	34	20
	34/2-2	0	34	20
	Cart Track	0	00	72
	37/1A	0	00	90
	42	0	12	78
	40/1	0	40	30
	40/2	0	40	30
	Drain	0	03	42
	41/1	0	33	37
	41/2A	0	33	37
	12	0	00	70
	47/1	0	01	63
	47/2	0	01	63
	47/3	0	01	63
	Cart Track	0	01	98
	11	0	26	28
	48/1	0	44	96
	48/2	0	44	96
	49/A	0	00	21
	49/B	0	00	21
	51	0	13	69
	Road S H. 14	0	05	40
	52/1	0	19	98
	52/2	0	19	98
	54/1	0	04	07
	54/2	0	04	07
	58/1	0	59	58
	58/2A	0	59	58
	Road	0	01	98
	61	0	09	72
	80	0	10	70
	79	0	12	24
1. Chopdai—Contd.	77	0	06	83

Name of Village	Gat/Survey No.	Area			Name of Village	Gat/Survey No.	Area		
		Hectors	Arca	Sq. Mts			Hectors	Arca	Sq. Mts.
2. Anchalwadi	76	0	06	32		469/2	0	30	78
	Drain	0	02	08		Drain	0	00	54
	84	1	76	04		492	0	11	35
	Drain	0	00	27		493	0	29	70
	12/1	0	05	79		495	0	09	00
	12/2	0	05	79		446	0	09	00
	13/1	0	20	05		447	0	08	10
	13/2	0	20	05		446/1	0	15	30
	15/1	0	16	75		Road, MDR-53	0	02	70
	15/2	0	16	75		435	0	22	50
	Cart Track	0	00	36		Road, ODR-121	0	03	60
	17/1	0	56	88		263	0	21	60
	17/2	0	56	88		272/1	0	20	52
	19	0	18	01		Cart Track	0	01	44
	21	0	17	90		273	0	00	17
	24	0	23	32		114	0	21	60
	23/2	0	15	11		249	0	05	76
	23/3	0	15	11		248	0	04	68
3. Javkhede	551	0	06	73		247	0	05	40
	541/1/1	0	22	21		246	0	05	94
	541/1/2	0	22	21		245	0	05	22
	541/3/2	0	22	21		244	0	05	58
	541/4/2	0	22	21		243	0	05	94
	549	0	01	01		242	0	06	30
	542/1	0	09	17		241	0	01	62
	542/2	0	09	17		Drain	0	07	56
	543	0	09	18		238	0	39	60
	544	0	20	48		Drain	0	00	90
	531/1/1	0	24	81		239	0	14	58
	531/2	0	24	81		229	0	22	68
	702	0	00	60		Road, MDR-53	0	03	96
	530/1	0	32	73		208	0	09	00
	530/2/1	0	32	73		Cart Track	0	00	72
	530/2/2	0	32	73		210/1	0	24	40
	527	0	39	96		210/2	0	24	40
	Drain	0	08	10		212	0	38	24
	Cart Track	0	00	90	4 Wavade	270/2	0	14	76
	475	0	07	93		271/1	0	15	63
	477/2	0	21	96		271/2	0	15	63
	478	0	22	50		272/C	0	34	54
3. Javkhede—Contd.	479	0	01	17	4 Wavade—Contd.	341	0	32	16
	469/1/2	0	30	78		Cart Track	0	00	50

Name of Village	Gat/Survey No.	Area			Name of Village	Gat/Survey No.	Area		
		Hectors	Area	Sq. Mts			Hectors	Area	Sq. Mts.
5. Lonsim	338/1/1	0	84	60	6. Loncharam	57	0	12	24
	338/1/2	0	84	60		58	0	06	30
	338/1/3	0	84	60		59	0	06	48
	338/2/2	0	84	60		125	0	10	80
	338/2/3	0	84	60		Road, MDR-60	0	03	96
	338/2/1	0	84	60		124	0	14	76
	Cart Track	0	00	38		121/1	0	04	14
	337/1	0	35	66		121/1B	0	04	14
	337/2	0	35	66		120	0	04	68
	447	0	13	85		122	0	17	10
	Road, MDR-54	0	03	60		113	0	32	76
	435	0	27	11		Drain	0	09	00
	422	0	43	45		97/1	0	22	50
	428	0	24	59		98/1	0	27	32
	425/1	0	32	22		98/2	0	27	32
	425/2	0	32	22		63	0	00	09
	37/4	0	10	70		61/1	0	25	24
	Road, VR-57	0	03	60		61/2	0	25	24
	Drain	0	05	45		61/3	0	25	24
	29/1	0	45	57		64/3	0	11	63
	52/3	0	12	24		68	0	45	61
	27	0	11	88		72/1A	0	29	85
	51/2	0	16	70		72/1B	0	29	85
	Drain	0	01	08		72/2	0	29	85
	51/1	0	28	08	7 Bharwas	73/1	0	06	24
	Lon to Mandal Rd.	0	00	54		73/2	0	06	24
	41	0	03	74		Road, VR-80	0	04	50
	42	0	14	90		132	0	37	42
	43	0	30	17		131	0	24	33
	45	0	23	59		129	0	51	12
	Cart Track	0	00	72		110	0	17	28
	48/1	0	21	24		111	0	13	86
	47/1	0	05	40		Cart Track	0	00	90
	47/2	0	05	40		199	0	01	40
	64	0	00	60		198	0	17	78
	69/1	0	25	20		191	0	00	35
	69/2	0	25	20		193	0	25	20
	65	0	13	50		194/1	0	20	70
	66/1	0	13	32		194/2	0	20	70
	66/2	0	13	32		195	0	00	28
5. Lonsim—Contd.	60	0	09	72		Drain	0	01	26
						197	0	22	50
8 Eklahare						215/1	0	27	54
						215/2	0	27	54
						216	0	27	36
						159/1	0	78	84

Name of Village	Gat/Survey No.	Area			Name of Village	Gat/Survey No.	Area		
		Hectors	Area	Sq. Mts.			Hectors	Area	Sq. Mts.
	159/2/A	0	78	84		109/A	0	23	40
	159/2B	0	78	84		109/B	0	23	40
	165	0	27	36		Drain	0	00	90
	166/B/1	0	12	78		110/A	0	47	16
	166/C/1	0	12	78		110/B	0	47	16
	168	0	11	88		110/B2	0	47	16
	169	0	12	96		110/B3	0	47	16
	111	0	19	80		110/B4	0	47	16
	110	0	08	10		116	0	01	44
	Western Railway	0	25	74		Road, VR-1	0	03	06
	108	0	23	22	10. Bhilali	144/1/B	0	25	92
	SH-6	0	06	12		141/1	0	32	82
	107	0	10	80		141/2	0	32	82
	55	0	24	30		142/1	0	20	77
	Drain	0	00	72		142/2	0	20	77
	53	0	27	00		138/1B	0	19	80
	52	0	01	04		138/2	0	19	80
	49	0	36	00		137	0	32	56
	Drain	0	01	08		67/A	0	27	77
	4/1	0	33	30		67/B-1	0	27	77
	4/2	0	33	30		67/B-2	0	27	77
	4/3	0	33	30		Drain	0	00	60
	3	0	07	56		80	0	15	84
	Cart Track	0	00	90		79	0	10	82
	308/2	0	12	60		82	0	17	10
	307/1	0	14	76		Road, MDR-55	0	04	32
	307/2	0	14	76		7	0	09	00
	305	0	27	00		6/1B	0	33	48
	306/1	0	03	60		6/2B	0	33	48
	306/2	0	03	60		11/A	0	18	90
	304	0	17	10		11/B	0	18	90
	Lauki River	0	09	36		6/1D	0	17	64
9 Ektas	108/1A	0	26	82	[File No. R-31015/15/2001-OR-II] HARISH KUMAR, Under Secy.				
	108/1B	0	26	82					
9 Ektas—Contd	108/2	0	26	82					

नई दिल्ली, 25 सितम्बर, 2001

का.आ. 2585.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से (सी.ओ.टी.) पंजाब राज्य में भटिंडा तक मुन्द्रा-भटिंडा पाइपलाइन से अपरिष्कृत तेल के परिवहन के लिए एक पाइपलाइन गुरुगोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के लिए उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार को अर्जित करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसके उपयोग के या भूमि के भीतर पाइपलाइन बिछाने के लिए अधिकार के अर्जन के लिए लिखित रूप में श्री ए. आर. चौधरी, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब रिफाइनरी परियोजना, गुरुगोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी), एल.पी.जी. बॉटलिंग संयंत्र, हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड, भगत की कोठी, जोधपुर 342005 को आक्षेप कर सकता है ;

अनुसूची

तहसील : सायला

जिला : जालोर

राज्य : राजस्थान

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मी.
1	2	3	4		
खेतड़ा	1017		0	13	29
	1016		0	03	04
	1015	रोड सा.नि.वि. सरकारी भूमि	0	05	70
	1014		0	05	48
	1012		0	02	39
	1013		0	10	89
	1005		0	12	94
	1004		0	13	80
	1000		0	12	73
	1003		0	04	19
	1002		0	11	15
	1024	रोड सरकारी भूमि	0	09	25
	1147		0	09	37
	1145		0	17	46
	1144		0	07	85
	1085		0	25	89
	1084		0	13	90
	1083		0	08	36
	1087		0	02	43
	1077		0	43	89
	1076		0	01	07
	1091		0	22	98
	1071		0	10	96
	1069		0	18	30
	1068		0	14	92
	1064	सरकारी भूमि	0	00	10
	1054	1706 सरकारी भूमि	0	07	00
	1054		0	31	73
	1067		0	06	79
	1065		0	14	83
	1066		0	14	87
	1057		0	08	75
	1056		0	24	93
	1053		0	15	51
	1052		0	16	00
	1050		0	05	33

तहसील : सायला

जिला : जालोर

राज्य : राजस्थान

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	एयर	वर्ग.मी.
1	2	3	4		
	1055		0	00	79
	1201		0	13	05
	1204		0	10	44
	1203		0	00	16
	1205	कार्ट ट्रैक सरकारी भूमि	0	01	14
	1328		0	05	97
	1330		0	01	50
	1331		0	06	95
	1345		0	21	66
	1346		0	26	30
	1347		0	16	70
	1342		0	00	26
	1437	कार्ट ट्रैक सरकारी भूमि	0	02	00
	1451		0	40	32
	1449		0	00	19
	1450		0	06	11
	1447		0	06	70
	623	कार्ट ट्रैक सरकारी भूमि	0	01	70
	529		0	13	50
	536		0	16	42
	537		0	08	00
	535		0	01	24
	542		0	17	20
	538		0	13	80
	541		0	07	02
	543		0	17	02
	544		0	12	17
	545	कार्ट ट्रैक सरकारी भूमि	0	00	79
	523		0	01	20
	410		0	05	05
	411		0	23	90
	402		0	02	33
	415		0	41	15
	416		0	17	14
	394		0	00	10
	417		0	18	03
	418		0	00	69
	419		0	13	88
	421		0	11	26

तहसील : सायला

जिला : जालौर

राज्य : राजस्थान

गाँव का नाम	(खासरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	एयर	वर्ग.मी.
1	2	3	4		
	420		0	09	50
	443		0	00	90
	444		0	06	16
	361	फाट्टे ट्रेक सरकारी भूमि	0	01	00
	343		0	29	04
	344		0	20	48
	346		0	11	50
	351		0	08	20
	350		0	08	28
	353		0	00	10
	349		0	20	10
	986		0	05	98
	1070		0	02	69

[फा. सं. 31015/18/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 25th September, 2001

S. O. 2585.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of crude oil from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bhatinda in the State of Punjab, through Mundra - Bhatinda pipeline, a pipeline should be laid by Guru GobindSingh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.)

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline ; it is necessary to acquire the right of user in the land described under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying pipeline under the land to Shri A.R. CHAUDHARY, Competent Authority, Mundra - Bhatinda Crude Oil Pipeline, Punjab Refinery Project, Guru GobindSingh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.), L.P.G. Bottling Plant, H.P.C.L. ; Bhagat Ki Kothi, Jodhpur 342 005.

SCHEDULE

Tehsil : Sayala

District : Jalore

State : Rajasthan

Name of Village	Survey No.	Part if Any	R.O.U. Area		
			Hect.	Are.	Sq.mt.
1	2	3	4		
Rewatra	1017		0	13	29
	1016		0	03	04
	1015	Road PWD	0	05	70
	1014		0	05	48
	1012		0	02	39
	1013		0	10	89
	1005		0	12	94
	1004		0	13	80
	1000		0	12	73
	1003		0	04	19
	1002		0	11	15
	1024	Cart Track	0	09	25
	1147		0	09	37
	1145		0	17	46
	1144		0	07	85
	1085		0	25	89
	1084		0	13	90
	1083		0	08	36
	1087		0	02	43
	1077		0	43	89
	1076		0	01	07
	1091		0	22	98
	1071		0	10	96
	1069		0	18	30
	1068		0	14	92
	1064		0	00	10
	1054	1706 Govt. Land	0	07	00
	1054		0	31	73
	1067		0	06	79
	1065		0	14	83
	1066		0	14	87
	1057		0	08	75
	1056		0	24	93
	1053		0	15	51
	1052		0	16	00
	1050		0	05	33
	1055		0	00	79

Tehsil : Sayala

District : Jalore

State : Rajasthan

Name of Village	Survey No.	Part if Any	R.O.U. Area		
			Hect.	Are.	Sq.mt.
1	2	3	4		
	1201		0	13	05
	1204		0	10	44
	1203		0	00	16
	1205	Cart Track Govt. land	0	01	14
	1328		0	05	97
	1330		0	01	50
	1331		0	06	95
	1345		0	21	66
	1346		0	26	30
	1347		0	16	70
	1342		0	00	26
	1437	Cart Track Govt. land	0	02	00
	1451		0	40	32
	1449		0	00	19
	1450		0	06	11
	1447		0	06	70
	623	Cart Track Govt. land	0	01	70
	529		0	13	50
	536		0	16	42
	537		0	08	00
	535		0	01	24
	542		0	17	20
	538		0	13	80
	541		0	07	02
	543		0	17	02
	544		0	12	17
	545		0	00	79
	523	Cart Track Govt. land	0	01	20
	410		0	05	05
	411		0	23	90
	402		0	02	33
	415		0	41	15
	416		0	17	14
	394		0	00	10
	417		0	18	03
	418		0	00	69
	419		0	13	88
	421		0	11	26
	420		0	09	50
	443		0	00	90

Tehsil : Sayala

District Jalore

State Rajasthan

Name of Village	Survey No	Part if Any	R O U Area		
			Hect	Are	Sq mt
1	2	3	4		
	444		0	06	16
	361	Cart Track Govt land	0	01	00
	343		0	29	04
	344		0	20	48
	346		0	11	50
	351		0	08	20
	350		0	08	28
	353		0	00	10
	349		0	20	10
	986		0	05	98
	1070		0	02	69

[No. R-31015/18/2001 OR-II]
HARISH KUMAR, Under Secy

नई दिल्ली, 25 सितम्बर, 2001

का. आ. 2586.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी.ओ.टी.) से मुन्द्रा — भटिंडा पाइपलाइन से होकर पंजाब राज्य में भटिंडा तक अपरिष्कृत तेल के परिवहन के लिए एक पाइपलाइन गुरुगोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) द्वारा बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के लिए उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार को अर्जित करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसके उपयोग के या भूमि के भीतर पाइपलाइन बिछाने के लिए अधिकार के अर्जन के लिए लिखित रूप में श्री ए. आर. चौधरी, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब रिफाइनरी परियोजना, गुरुगोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) एल.पी.जी. बॉटलिंग प्लांट, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, भगत की कोठी, जोधपुर 342005 को आक्षेप कर सकता है ;

अनुसूची

तहसील - जग्गीचवा

जिला - जालौर

राज्य : राजस्थान

गाँव का नाम	क्रमांक (संकेत)	हिस्सा क्रमांक	ROU क्षेत्रफल		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
धामसीन	535		0	19	28
	536		0	25	66
	539		0	01	06
	537		0	18	11
	545	999 कर्ट ट्रैक क्षेत्र से क्षेत्र	0	00	80
	552		0	24	99
	553		0	15	94
	555	1012 कर्ट ट्रैक क्षेत्र से क्षेत्र	0	01	26
	592		0	20	67
	593		0	07	78
	596		0	20	90
	588		0	13	76
	615		0	43	57
	622		0	08	47
	621		0	29	22
	620		0	09	50
	623	नाला	0	02	55
	638		0	14	52
	638	941	0	10	20
	639		0	94	56
	411	शरणा	0	02	82
	382		1	09	53
	343	1040	0	16	14
	349	1041	0	00	53
	349		0	34	10
	343		0	01	26
	351		0	28	83
	352		0	26	70
	353	नाला क्षेत्र से क्षेत्र	0	01	20
	347		0	00	10
	362		0	30	92
	355		0	00	20
	361		0	26	86
	356		0	43	14
बडगाँव	1083		0	26	60
	1086		0	23	24

तहसील : शनीवाडा

ज़िला : जालोर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
बडगाँव	1097		0	10	90
	1096		0	16	47
	1095		0	12	25
	1103		0	00	86
	1105		0	06	95
	1106		0	00	25
	1123		0	15	95
	1124		0	05	00
	1125		0	31	19
	1122		0	00	40
	1126	काट टुक खेत से खेत	0	25	14
	1127		0	32	91
	1132		0	36	48
	1131		0	23	22
	1145		0	37	90
	1144		0	03	87
	1141		0	01	20
	1173		0	30	18
	1495		0	26	85
	1206		0	00	15
	1208		0	02	68
	1490		0	06	17
	1488		0	01	91
	1209		0	15	10
	1210		0	15	00
	1211		0	01	50
	1480		0	09	85
	1477		0	04	30
	1476		0	06	57
	1212		0	00	12
	1215		0	01	12
	1216	काट टुक	0	15	70
	1195		0	19	20
	1194		0	01	13
	1224		0	07	40
	1222		0	01	50
	1223		0	07	10
	1221		0	49	71

तहसील : रानीवाडा

जिला : जालोर

राज्य : राजस्थान

गाँव का नाम	खसरा (संक्षेप क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
बडगाँव	1243		0	02	67
	1244		0	09	32
	1245		0	30	50
	863	गोचर	0	02	30
	864	गोचर	0	00	10
	861		0	30	73
	860		0	04	28
	859		0	04	91
	804	कार्ट ट्रैक	0	01	00
	820		0	04	15
	821		0	18	50
	818		0	01	63
	827		0	28	21
	829		0	14	51
	832	कार्ट ट्रैक स्रोत से स्रोत SH-11	0	01	10
	834		0	17	20
	835		0	04	42
	315	सरकारी भूमि	0	04	53
	316		0	05	56
	314	कार्ट ट्रैक स्रोत से स्रोत	0	00	96
	313		0	04	15
	317	कार्ट ट्रैक स्रोत से स्रोत	0	02	00
	326		0	09	15
	320		0	12	10
	319		0	04	76
	321		0	02	79
	318		0	01	45
	322		0	04	60
	323		0	16	33
	254	कार्ट ट्रैक स्रोत से स्रोत SH-11	0	02	00
	255		0	31	20
	249		0	00	95
	250		0	26	76
	351	आसफाल्ट रोड बडगाँव से रानीवाडा	0	03	49
	506		0	09	04
	505		0	07	12
	507	कार्ट ट्रैक स्रोत से स्रोत	0	02	00
	521		0	01	33

तहसील : रानीवाड़ा

जिला : जालौर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल		
			हैक्टर	एयर	वर्ग मी
1	2	3	4		
बड़गाँव	520	1985	0	02	62
	516		0	17	16
	515		0	21	99
	512		0	12	03
	557	सरकारी भूमि नाला	0	05	13
	478		0	02	97
	477		0	04	29
	474		0	22	00
	475		0	32	66
	476		0	03	04
	469		0	05	81
	468		0	09	69
	467		0	29	03
	395	बड़गाँव शीवर	0	28	53
	396	बड़गाँव शीवर	0	05	21
अदापुरा	191		0	19	63
	164	कार्ट ट्रैक बड़गाँव से स्टेट हाइवे-11	0	01	15
	255		0	25	13
	254		0	01	83
	259		0	00	13
	263		0	16	64
	260		0	00	10
	262		0	12	79
	286		0	16	27
	285		0	06	50
	283		0	17	49
	281		0	01	54
	291		0	00	44
	282		0	10	94
भाटवास	208		0	30	13
	207		0	18	79
	206		0	06	86
	189		0	01	08
	191		0	45	46
	192	कार्ट ट्रैक खेत से खेत	0	00	80
	183		0	19	57
	182		0	18	99
	173	कार्ट ट्रैक खेत से खेत	0	01	00

तहसील : शनीवाडा

जिला : जालौर

राज्य राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल		
			हैक्टर	एकर	वर्ग मी
1	2	3	4		
भाटवास	147		0	13	54
	146		0	01	23
	141	कार्ट ट्रैक क्षेत्र से क्षेत्र	0	01	65
	148		0	18	10
	149		0	14	49
	150		0	11	85
	132		0	09	02
	151		0	13	70
	131		0	38	50
	130		0	26	60
	52		0	34	10
	53		0	10	51
	58		0	20	94
	56		0	00	04
	58	271	0	03	92
	57		0	13	07
	63		0	00	17
	63	272	0	18	05
	75		0	00	22
	74		0	35	80
	73		0	12	18
	67		0	25	55
	68		0	17	15
	69	कार्ट ट्रैक क्षेत्र से क्षेत्र	0	00	45
	70		0	10	52
डूंगरी	1155		0	22	26
	1156		0	76	50
	1162		0	31	99
	1161		0	41	21
	1033		0	42	28
	1026	कार्ट ट्रैक डूंगरी से सुरजवाडा	0	02	06
	672		0	00	10
	649		0	00	11
	648		0	06	10
	650		0	21	62
	645		0	03	78
	652		0	00	30
	644		0	10	40

तहसील : शनीवाडा

जिला : जालोर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल.		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
डूंगरी	643		0	10	84
	642		0	04	34
	637	काट ट्रक डूंगरी से सुरजवाडा	0	01	50
	623		0	06	96
	624		0	23	58
	622		0	26	71
	621		0	16	74
	620		0	38	67
	603		0	21	54
	602		0	13	50
	601		0	45	83
	596		0	41	23
	589		0	09	85
	588	काट ट्रक डूंगरी से मालवाडा	0	00	90
	115		0	42	07
	114		0	13	71
मालवाडा	469		0	02	64
	466		0	42	51
	465		0	06	25
	464		0	26	93
	461		0	14	57
	460		0	02	06
	463		0	06	70
	462		0	00	10
	441		0	16	29
	436		0	35	28
	434		0	31	25
	431		0	08	87
	431	773	0	08	87
	430		0	08	06
	430	772	0	03	60
	429		0	00	10
	427		0	05	26
	428		0	05	70
	395	काट ट्रक डूंगरी से मालवाडा	0	01	45
	367		0	15	05
	368		0	24	96
	369		0	00	16

तहसील : रानीवाडा

जिला : जालौर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिसा क्रमांक	ROU क्षेत्रफल.		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
मालवाडा	377		0	06	96
	377	769	0	00	49
	370		0	06	08
	363		0	00	94
	362		0	02	35
	371		0	11	45
	376		0	13	68
	373		0	04	86
	372	सरकारी भूमि	0	04	15
	361		0	09	35
	359		0	48	84
	356		0	08	33
	355	कार्ट ट्रैक दलपुरा से मालवाडा	0	01	10
	328		0	15	86
	327		0	14	92
	318		0	25	66
	321		0	14	04
	314	कार्ट ट्रैक हाउस से मालवाडा	0	01	20
	274		0	01	41
	273		0	04	68
	275		0	24	45
	272		0	04	12
	271		0	11	50
	270		0	05	56
	269		0	09	50
	265		0	18	46
	501	कार्ट ट्रैक मालवाडा से धोलपुर	0	01	00
	502		0	12	63
	499		0	01	88
फतेहपुरा	498		0	00	18
	495		0	05	37
	494		0	15	30
	493		0	01	14
	355		0	14	45
	352		0	00	89
	353		0	06	09
	357	कार्ट ट्रैक खेत से खेत	0	01	00
	388		0	00	33

तहसील : शनीवाडा

जिला : जालोर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल.		
			हेक्टर	एयर	वर्ग मी.
1	2	3	4		
फतेहपुरा	360		0	00	10
	367		0	34	88
	366		0	00	39
	369		0	00	20
	375		0	15	02
	374		0	01	17
	376		0	14	57
	377		0	00	17
	343	रोड से दलपुरा	0	01	59
	317		0	01	51
	319		0	10	99
	336		0	08	96
	338		0	07	00
	339		0	12	08
	334		0	01	59
	176	आसफाल्ट रोड मालवाडा से स्टेट हाइवे-3	0	06	10
	108		0	10	68
	109		0	13	45
	110		0	12	62
	114		0	04	25
	115		0	06	87
	116		0	09	22
	95		0	01	20
	120		0	01	91
	94		0	26	34
	85	आसफाल्ट रोड	0	00	85
	91		0	14	73
	90		0	04	47
	66		0	19	31
	66	519	0	38	00
	66	520	0	13	00
आसराड	957		0	00	02
	956		0	04	74
	955		0	23	19
	954		0	10	70
	948		0	13	16
	949		0	20	05
	950		0	16	42

तहसील : शनीवाडा

जिला : जालौर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल.		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
आखराड	380		0	00	24
	378		0	01	79
	379		0	22	61
	376		0	10	80
	356		0	09	14
	357		0	00	91
	355	कार्ट ट्रैक	0	01	26
	358	कार्ट ट्रैक	0	00	74
	354		0	02	61
	359		0	18	29
	360		0	17	29
	348		0	00	52
	364		0	10	70
	347		0	03	44
	346	आसफाल्टेड रोड शनीवाडा से जालौर	0	04	47
	344		0	26	79
	343		0	00	63
	335	सरकारी भूमि नाला	0	04	00
	334		0	10	00
	336		0	00	52
	333		0	31	03
	331		0	22	97
	330		0	00	29
डाडोकी	536		0	32	08
कागमाला	992		0	30	22
	993		0	00	93
	994		0	08	96
	995		0	16	76
	991	रोड से स्टेट हाइवे -31	0	02	20
	998		0	01	62
	990		0	01	17
	982		0	09	33
	982	1116	0	05	70
	980		0	49	45
	873		0	06	68
	872		0	14	95
	871		0	41	49
	870		0	01	17

तहसील : शनीवाड़ा

जिला : जालौर

राज्य : राजस्थान

गौँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU शीर्षक		
			हैक्टर	एयर	वर्ग मी.
1	2	3	4		
कागमाला	867		0	35	64
	866		0	14	80
	865		0	04	50
	860		0	07	50
	859	नाला	0	00	70
	858		0	21	08
	855		0	17	24
	854	नाला	0	01	95
	851		0	20	16
	834	नाला	0	01	50
	835		0	25	84
	836		0	04	75
	837		0	05	72
	825		0	58	65
	820		0	04	20
	812	कार्ट ट्रैक हाउस से कागमाला	0	01	80
	760		0	46	36
	754		0	05	25
	708	आसफाल्ट रोड कागमाला से स्टेट हाइवे	0	01	76
	469		0	22	60
	475	कार्ट ट्रैक	0	01	85
	482		0	02	32
	483		0	45	96
	497		0	06	20
	498		0	14	90
	499		0	05	28
	510		0	01	76
	511		0	00	30
	505		0	39	68
	509		0	00	50
	506		0	00	21
	399		0	16	13
	516	कार्ट ट्रैक कागमाला से बिलाय	0	01	24
	554		0	42	63
	551		0	29	48
	580	नाला	0	03	17
	589		0	14	65
	588		0	21	00

तहसील : रानीवाडा

जिला : जालौर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल.		
			हेक्टर	एयर	वर्ग मी.
1	2	3	4		
कागमाला	587		0	12	32
	596	नाला	0	02	50
	597		0	20	85
	598		0	09	30
बीलड	866		0	59	55
	868	काट ट्रक बीलड से सादपुर	0	02	00
	883		0	04	90
	881		0	01	28
	884		0	35	81
	657		0	73	50
	880		0	24	58
	878		0	03	82
	885	काट ट्रक कागमाला से साद	0	02	68
	886		0	00	10
	695	काट ट्रक	0	00	87
	649	काट ट्रक	0	00	46
	658	काट ट्रक कागमाला से साद	0	05	00
	663		0	02	11
	664		0	05	36
	665		0	09	25
	694		0	37	37
	514		0	26	31
	516	नाला	0	06	68
	518		0	08	90
	519		0	13	08
	521		0	14	95
चास	1026		0	09	26
	1025		0	05	74
	1030		0	29	15
	1041		0	01	97
	1043		0	14	74
	1044	1058	0	13	66
	1044		0	12	24
	992		0	17	38
	991		0	37	42
	989	बीला	0	01	51
	984		0	15	34
	981		0	04	79

तहसील : रानीवाडा

जिला : जालौर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल.		
			हुक्टर	एयर	वर्ग मी.
1	2	3	4		
चारा	983		0	19	41
	883	1084	0	20	01
	884		0	00	65
	882		0	41	99
	881		0	08	61
	878		0	35	42
	879		0	00	74
चितरोडी	121	कार्ट ट्रैक	0	00	91
	123		0	26	74
	123	538*	0	38	20
	118	कार्ट ट्रैक	0	01	50
	117		0	27	78
	128		0	18	20
	129		0	05	50
	116		0	07	50
	132		0	22	85
	137		0	11	20
	138		0	04	80
	142		0	15	50
	141		0	06	10
	140	नाला	0	06	40
	161		0	03	15
	162		0	09	81
	165		0	37	49
	166		0	19	07
	167		0	26	16
	168		0	02	61
	115	कार्ट ट्रैक मालवाडा से चित्रोडी	0	05	68
	110		0	22	60
	109		0	00	18
	171		0	17	45
	13		0	10	20
	13	562	0	14	21
	16		0	02	32
	9		0	43	11
	8		0	02	23
	181	आसफाल्ट रोड भीनमाल से सुन्धामावा	0	02	40
	200		0	22	51

तहसील : रानीवाड़ा

जिला : जालोर

राज्य : राजस्थान

गाँव का नाम	खसरा (सर्वेक्षण क्रमांक)	हिस्सा क्रमांक	ROU क्षेत्रफल.		
			हेक्टर	एयर	वर्ग मी.
1	2	3	4		
चितरोडी	189		0	21	25
	195		0	00	45
	194		0	04	77
	190		0	18	20
	191		0	05	80
	267		0	22	20
	268		0	33	22
	273		0	27	28
	274		0	01	34
कोडी चौपावतान	1351		0	00	24
	1206		0	03	77
	1205		0	12	83
	1204		0	19	69
	1164	सागी नदी	0	19	50

[फा. सं. 31015/19/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 25th September, 2001

S. O. 2586.— Whereas it appears to the Central Government that it is necessary in the public interest, that for the transportation of crude oil from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bhatinda in the State of Punjab, through Mundra - Bhatinda pipeline, a pipeline should be laid by Guru GobindSingh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.) ;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline ; it is necessary to acquire the right of user (ROU) in the land described under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying pipeline under the land to Shri A.R. CHAUDHARY, Competent Authority, Mundra - Bhatinda Crude Oil Pipeline, Punjab Refinery Project, Guru GobindSingh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.), L.P.G. Bottling Plant, H.P.C.L. ; Bhagat Ki Kothi, Jodhpur 342 005.

SCHEDULE

Tehsil : Raniwada

District : Jalore

State : Rajasthan

Name of Village	Survey No	Part IF Any	ROU - Area		
			Hect.	Are.	Sq.mt
1	2	3	4		
DHAMSIN	535		0	19	28
	536		0	25	66
	539		0	01	06
	537		0	18	11
	545	999 CT Field To Field	0	00	80
	552		0	24	99
	553		0	15	94
	555	1012 CT Field To Field	0	01	26
	592		0	20	67
	593		0	07	78
	596		0	20	90
	588		0	13	76
	615		0	43	57
	622		0	08	47
	621		0	29	22
	620		0	09	50
	623	Nala	0	02	55
	638		0	14	52
	638	941	0	10	20
	639		0	94	56
	411	Cart Track	0	02	82
	382		1	09	53
	343	1040	0	16	14
	349	1041	0	00	53
	349		0	34	10
	343		0	01	26
	351		0	28	83
	352		0	26	70
	353	CT Field to Field	0	01	20
	347		0	00	10
	362		0	30	92
	355		0	00	20
	361		0	26	86
	356		0	43	14
BADGAON	1083		0	26	60
	1086		0	23	24
	1097		0	10	90
	1096		0	16	47
	1095		0	12	25
	1103		0	00	86

Tehsil Raniwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part IF Any	ROU - Area		
			Hect	Are	Sq.mt.
1	2	3	4		
BADGAON	1105		0	06	95
	1106		0	00	25
	1123		0	15	95
	1124		0	05	00
	1125		0	31	19
	1122		0	00	40
	1126	Cart Track	0	25	14
	1127		0	32	91
	1132		0	36	48
	1131		0	23	22
	1145		0	37	90
	1144		0	03	87
	1141	Cart Track	0	01	20
	1173		0	30	18
	1495		0	26	85
	1206		0	00	15
	1208		0	02	68
	1490		0	06	17
	1488		0	01	91
	1209		0	15	10
	1210		0	15	00
	1211		0	01	50
	1480		0	09	85
	1477		0	04	30
	1476		0	06	57
	1212		0	00	12
	1215		0	01	12
	1216	Cart Track	0	15	70
	1195		0	19	20
	1194		0	01	13
	1224		0	07	40
	1222		0	01	50
	1223		0	07	10
	1221		0	49	71
	1243		0	02	67
	1244		0	09	32
	1245		0	30	50
	863	Gauchar	0	02	30
	864	Gauchar	0	00	10
	861		0	30	73
	860		0	04	28
	859		0	04	91

Tehsil Raniwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part IF Any	ROU Area		
			Hect	Are	Sq m
1	2	3	4		
BADGAON	804	Cart Track	0	01	00
	820		0	04	15
	821		0	12	46
	818		0	01	00
	827		0	28	10
	829		0	14	05
	832	CT field to SH - 11	0	01	00
	834		0	17	06
	835		0	04	15
	315	Govt. Land	0	04	53
	316		0	05	56
	314	C.T.Field to Field	0	00	96
	313		0	04	15
	317	C.T.Field to Field	0	02	00
	326		0	09	15
	320		0	12	10
	319		0	04	76
	321		0	02	79
	318		0	01	45
	322		0	04	60
	323		0	16	33
	254	CT Field to SH - 11	0	02	00
	255		0	31	20
	249		0	00	95
	250		0	26	76
	351	Asphalt Road Badgaon to Raniwada	0	03	49
	506		0	09	04
	505		0	07	12
	507	CT Field to Field	0	02	00
	521		0	01	33
	520	1985	0	02	62
	516		0	17	16
	515		0	21	99
	512		0	12	03
	557	Govt Land Nala	0	05	13
	478		0	02	97
	477		0	04	29
	474		0	22	00
	475		0	32	66
	476		0	03	04
	469		0	05	81
	468		0	09	69

Tehsil Ranwada District Jalore State Rajasthan

Name of Village	Survey No	Part IF Any	ROU - Area		
			Hect.	Are.	Sq mt
1	2	3	4		
BADGAON	467		0	29	03
	395	Badgaon River	0	28	53
	396	Badgaon River	0	05	21
ADEPURA	191		0	10	63
	164	CT Badgaon to SH-11	0	01	15
	255		0	25	13
	254		0	01	83
	259		0	00	13
	263		0	16	64
	260		0	00	10
	262		0	12	79
	286		0	16	27
	285		0	06	50
	283		0	17	49
	281		0	01	54
	291		0	00	44
	282		0	10	94
BHATWAS	208		0	30	13
	207		0	18	79
	206		0	06	86
	189		0	01	08
	191		0	45	46
	192	CT field to field	0	00	80
	183		0	19	57
	182		0	18	99
	173	CT Field to Field	0	01	00
	147		0	13	54
	146		0	01	23
	141	CT Field to Field	0	01	65
	148		0	18	10
	149		0	14	49
	150		0	11	85
	132		0	09	02
	151		0	13	70
	131		0	38	50
	130		0	26	60
	52		0	34	10
	53		0	10	51
	58		0	20	94
	56		0	00	04
	58	271	0	03	92
	57		0	13	07

Tehsil Raniwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part IF Any	ROU - Area		
			Hect	Are.	Sq mt
1	2	3	4		
BHATWAS	63		0	00	17
	63	272	0	18	05
	75		0	00	22
	74		0	35	80
	73		0	12	18
	67		0	25	55
	68		0	17	15
	69	CT Field to Field	0	00	45
	70		0	10	52
DUNGRI	1155		0	22	26
	1156		0	76	50
	1162		0	31	99
	1161		0	41	21
	1033		0	42	28
	1026	CT Dungri to Surajwara	0	02	06
	672		0	00	10
	649		0	00	11
	648		0	06	10
	650		0	21	62
	645		0	03	78
	652		0	00	30
	644		0	10	40
	643		0	10	84
	642		0	04	34
	637	CT Dungri to Surajwara	0	01	50
	623		0	06	96
	624		0	23	58
	622		0	26	71
	621		0	16	74
	620		0	38	67
	603		0	21	54
	602		0	13	50
	601		0	45	83
	596		0	41	23
	589		0	09	85
	588	CT Dungri to Malwara	0	00	90
	115		0	42	07
	114		0	13	71
MALWARA	469		0	02	64
	466		0	42	51
	465		0	06	25
	464		0	26	92

Tehsil Ranwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part II of 1954	ROU - Area		
			Hect	Are	Sq mt
1	2	3	4		
MALWARA	461		0	14	57
	460		0	02	06
	463		0	06	70
	462		0	00	10
	441		0	16	29
	436		0	35	28
	434		0	31	25
	431		0	08	87
	431	773	0	08	87
	430		0	08	06
	430	772	0	03	60
	429		0	00	10
	427		0	05	26
	428		0	05	70
	395	CT Durgri to Malwara	0	01	45
	367		0	15	05
	368		0	24	96
	369		0	00	16
	377		0	06	96
	377	769	0	00	49
	370		0	06	08
	363		0	00	94
	362		0	02	35
	371		0	11	45
	376		0	13	68
	373		0	04	86
	372	Govt. Land	0	04	15
	361		0	09	35
	359		0	48	84
	356		0	08	33
	355	CT Dalpura to Malwara	0	01	10
	328		0	15	86
	327		0	14	92
	318		0	25	66
	321		0	14	04
	314	CT House to Malwara	0	01	20
	274		0	01	41
	273		0	04	68
	275		0	24	45
	272		0	04	12
	271		0	11	50
	270		0	05	56

Tehsil Raniwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part IF Any	ROU Area		
			Hect	Are	Sq mt
1	2	3		4	
MALWARA	269		0	09	50
	265		0	18	46
FATEHPURA	501	CT Malwara to Dholpura	0	01	00
	502		0	12	63
	499		0	01	88
	498		0	00	18
	495		0	05	37
	494		0	15	30
	493		0	01	14
	355		0	14	45
	352		0	00	89
	353		0	06	09
	357	CT Field to field	0	01	00
	388		0	00	33
	360		0	00	10
	367		0	34	88
	366		0	00	39
	368		0	00	20
	375		0	15	02
	374		0	01	17
	376		0	14	57
	377		0	00	17
	343	Road to Dalpura	0	01	59
	317		0	01	51
	319		0	10	99
	336		0	08	96
	338		0	07	00
	339		0	12	08
	334		0	01	59
	176	Asphalted Road Malwara to SH.31	0	06	10
	108		0	10	68
	109		0	13	45
	110		0	12	62
	114		0	04	25
	115		0	06	87
	116		0	09	22
	95		0	01	20
	120		0	01	91
	94		0	26	34
	85	Asphalted Road	0	00	85
	91		0	14	73
	90		0	04	47

Tehsil Raniwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part IF Any	ROU - Area		
			Hect	Are	Sq mt
1	2	3	4		
FATEHPURA	66		0	19	31
	66	519	0	38	00
	66	520	0	13	00
AKHRAR	957		0	00	02
	956		0	04	74
	955		0	23	19
	954		0	10	70
	948		0	13	16
	949		0	20	05
	950		0	16	42
	380		0	00	24
	378		0	01	79
	379		0	22	61
	376		0	10	80
	356		0	09	14
	357		0	00	91
	355	Cart Track	0	01	26
	358	Cart Track	0	00	74
	354		0	02	61
	359		0	18	29
	360		0	17	29
	348		0	00	52
	364		0	10	70
	347		0	3	44
	346	Asphalted Road Raniwada to Jalore	0	04	47
	344		0	26	79
	343		0	00	63
	335	Govt Land Nala	0	04	00
	334		0	10	00
	336		0	00	52
	333		0	31	03
	331		0	22	97
	330		0	00	29
DADOKI	536		0	32	08
KAGMALA	992		0	30	22
	993		0	00	93
	994		0	08	96
	995		0	16	76
	991	Road to SH.31	0	02	20
	998		0	01	62
	990		0	01	17
	982		0	09	33

Tehsil Raniwada

District Jalore

State : Rajasthan

Name of Village	Survey No.	Part IF Any	ROU - Area		
			Hect	Are.	Sq.mt
1	2	3	4		
KAGMALA	982	1116	0	05	70
	980		0	49	45
	873		0	06	68
	872		0	14	95
	871		0	41	49
	870		0	01	17
	867		0	35	64
	866		0	14	80
	865		0	04	50
	860		0	07	50
	859	STREAM	0	00	70
	858		0	21	08
	855		0	17	24
	854	STREAM	0	01	95
	851		0	20	16
	834	STREAM	0	01	50
	835		0	25	84
	836		0	04	75
	837		0	05	72
	825		0	58	65
	820		0	04	20
	812	CT Houses to Kagmala	0	01	80
	760		0	46	36
	754		0	05	25
	708	Asphalted Road Kagmala to SH-31	0	01	76
	469		0	22	60
	475	Cart Track	0	01	85
	482		0	02	32
	483		0	45	96
	497		0	06	20
	498		0	14	90
	499		0	05	28
	510		0	01	76
	511		0	00	30
	505		0	39	68
	509		0	00	50
	506		0	00	21
	399		0	16	13
	516	CT Kagmala to Bilar	0	01	24
	554		0	42	63
	551		0	29	48
	580	NALA	0	03	17

Taluka Raniwada		District Jalore	State Rajasthan		
Name of village	Survey No	Part If Any	ROU Area		
			Hect	Are	Sq mt
KAGMALA	589		0	14	65
	588		0	21	00
	587		0	12	32
	596	STREAM	0	02	50
	597		0	20	85
	598		0	09	30
BILAD	866		0	59	55
	868	CT Bilal to Sandpur	0	02	00
	883		0	04	90
	881		0	01	28
	884		0	35	81
	657		0	73	50
	880		0	24	58
	878		0	03	82
	885	CT Kagmala to Sara	0	02	68
	886		0	00	10
	695	Cart Track	0	00	87
	649	Cart Track	0	00	46
	658	CT Kagmala to Sara	0	05	00
	663		0	02	11
	664		0	05	36
	665		0	09	25
	694		0	37	37
	514		0	26	31
	516	Nala	0	06	68
	518		0	08	90
	519		0	13	08
	521		0	14	95
CHARA	1026		0	09	26
	1025		0	05	74
	1030		0	29	15
	1041		0	01	07
	1043		0	14	00
	1044	1058	0	13	60
	1044		0	12	24
	992		0	17	38
	991		0	37	42
	989	STREAM	0	01	01
	984		0	15	34
	981		0	04	70
	983		0	19	41
	883	1084	0	20	01

Tehsil Raniwada

District Jalore

State Rajasthan

Name of Village	Survey No	Part IF Any	ROU Area		
			Hect	Are	Sq mt
1	2	3	4		
CHARA	884		0	00	65
	882		0	41	99
	881		0	08	61
	878		0	35	42
	879		0	00	74
CHITRODI	121	Cart Track	0	00	91
	123		0	26	74
	123	538	0	38	20
	118	Cart Track	0	01	50
	117		0	27	78
	128		0	18	20
	129		0	05	50
	116		0	07	50
	132		0	22	85
	137		0	11	20
	138		0	04	80
	142		0	15	50
	141		0	06	10
	140	Nala	0	06	40
	161		0	03	15
	162		0	09	81
	165		0	37	49
	166		0	19	07
	167		0	26	16
	168		0	02	61
	115	CT Marwara to Chitrordi	0	05	68
	110		0	22	60
	109		0	00	18
	171		0	17	45
	13		0	10	20
	13	562	0	14	21
	16		0	02	32
	9		0	43	11
	8		0	02	23
	181	Asphalted Road Bhinmal to Sundhamata	0	02	40
	200		0	22	51
	189		0	21	25
	195		0	00	45
	194		0	04	77
	190		0	18	20
	191		0	05	80
	267		0	22	20

Tehsil : Raniwada

District : Jalore

State : Rajasthan

Name of Village	Survey No	Part IF Any	ROU - Area		
			Hect	Are	Sq.mt.
1	2	3	4		
CHITRODI	268		0	33	22
	273		0	27	28
	274		0	01	34
KODI CHAPAVATAN	1351		0	00	24
	1206		0	03	77
	1205		0	12	83
	1204		0	19	69
	1164	Sagi River	0	19	50

[No. R-31015/19/2001 OR-II]
HARISH KUMAR, Under Secy.

शहरी विकास और गरीबी उन्मूलन मंत्रालय

नई दिल्ली, 27 सितम्बर, 2001

का. आ. 2587.— भारत सरकार, पाठ्य पुस्तक मुद्रणालय, चंडीगढ़ का प्रबंधक उक्त प्रैस के समूह "ग" और समूह "घ" कर्मचारियों की बाबत, केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 की अनुसूची में विहित अनुशासनिक अधिकारी है;

और भारत सरकार, पाठ्य पुस्तक मुद्रणालय चंडीगढ़ में कार्यरत सर्व श्री सोहन लाल शर्मा, दफ्तरी, जगदीश चन्द, सहायक जिल्दसाज, अमरीक सिंह II, सहायक जिल्दसाज, गुलजार चन्द, सहायक जिल्दसाज, किशन सिंह आफसैट मशीन अटेंडेंट, एन. पी. कालड़ा, उच्च श्रेणी लिपिक के विरुद्ध केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम, 14 के अधीन अनुशासनिक कार्यवाहियां अनुध्यात की गई थी;

और भारत सरकार, पाठ्य पुस्तक मुद्रणालय चंडीगढ़ का प्रबंधक मामले में महत्वपूर्ण साक्षी होने के कारण, अनुशासनिक प्राधिकारी के रूप में कार्य करने में असमर्थ थे;

और, राष्ट्रपति ने मुद्रण निदेशालय, निर्माण भवन, नई दिल्ली में उपनिदेशक श्री एस. के. बर्धन को, का. आ. सं. 3169 तारीख 20 अक्टूबर 1999 के द्वारा उक्त मामले में उपर वर्णित कर्मचारियों के विरुद्ध केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 11 में विनिर्दिष्ट शास्तियों में से किसी शास्ति को अधिरोपित करने के लिए सक्षम, तदर्थ अनुशासनिक प्राधिकारी के रूप में नियुक्त किया था;

और श्री एस. के. बर्धन, उप निदेशक, 28 फरवरी, 2001 को अधिवार्षिकी पर सेवानिवृत्त हो गए हैं और एक नए पदधारी ने भी भारत सरकार पाठ्य पुस्तक मुद्रणालय, चंडीगढ़ के प्रबंधक के रूप में कार्य भार भी ग्रहण कर लिया है जो उपर वर्णित मामले में महत्वपूर्ण साक्षी नहीं है;

अतः अब, राष्ट्रपति, केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 12 के उपनियम (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त मामले में ऊपर वर्णित कर्मचारियों के विरुद्ध केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 11 में विनिर्दिष्ट शास्तियों में से किसी शास्ति को अधिरोपित करने के लिए भारत सरकार पाठ्य पुस्तक मुद्रणालय चंडीगढ़ के प्रबंधक को अनुशासनिक प्राधिकारी की शक्ति उन बातों के सिवाय, जिन्हें ऐसे प्रत्यावर्तन से पहले किया गया है या करने से लोप किया गया है, प्रत्यावर्तित करते हैं।

[सं. 14015/1/99-ए.पी./मुद्रण]
एस.के. विश्वास, डेस्क अधिकारी (पी.एस.पी.)

MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION

नई दिल्ली, 27 सितम्बर, 2001

S. O. 2587.— Whereas the Manager, Government of India Text Book Press, Chandigarh is the disciplinary authority prescribed in the Schedule to the Central Civil Services (Classification Control and Appeal) Rules, 1965 in respect of Group 'C' and Group 'D' employees of the said Press:

And whereas, disciplinary proceedings were contemplated against S/Shri Sohan Lal Sharma, Daftry, Jagdish Chander, Asstt Binder, Amrik Singh II, Asstt Binder, Gulzar Chand, Asstt Binder, Kishan Singh, Offset Machine Attendant and N P. Kalda, UDC, working in the Government of India Text Books Press, Chandigarh, under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965.

And whereas, the then Manager, Government of India Text Books Press, Chandigarh was unable to function as the disciplinary authority on account of being a material witness in the case:

And whereas, Shri S.K. Bardhan, Dy. Director, in the Directorate of Printing, Nirman Bhawan, New Delhi, was appointed by the President as the ad hoc disciplinary authority, competent to impose any of the penalties specified in rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 against the above mentioned employees in the said case, vide No. S.O. No.3169 dated 20th October, 1999;

And whereas, the said Shri S.K. Bardhan, Dy. Director has since retired on superanuation on 28th February, 2001 and a new incumbent has also assumed charge as Manager, Government of India Text Book Press, Chandigarh who is not a material witness in the above mentioned case;

Now therefore, in exercise of powers conferred by clause (b) of sub-rule (2) of rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President restore the power of disciplinary authority to impose any of the penalties specified in rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 against the above mentioned employees in the said case to the Manager, Government of India Text Book Press, Chandigarh, except as respects things done or omitted to be done before such restoration.

[No. C.14015/1/99-AV/Ptg.]
S. K. BISWAS, Desk Officer (P.S.P.)

श्रम मंत्रालय

नई दिल्ली, 30 अगस्त, 2001

का.प्र. 2588.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-01 को प्राप्त हुआ था।

[सं. एल-12012/212/89-डी-II(ए)]

सी. गंगधरान, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 30th August, 2001

S.O. 2588.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 30-8-2001.

[No. L-12012/212/89-D.II(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-
LABOUR- COURT
"SHRAM SADAN",

III MAIN, III CORSS, II PHASE, TUMKUR
ROAD, YESHWANTHPUR,
BANGALORE

Dated : 23rd August, 2001

PRESENT :

HON'BLE SHRI V. N. KULKARNI, B.COM.
LLB, PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,
BANGALORE

C.R. NO. 71/93

I PARTY

B. Jaya,
S/o. B. Ananda,
Maniula Nilaya,
Shanti Nagar,
Udupi, D. K.,
Advocate—Ramesh Upadhyaya,
2863 GI/2001—12

II PARTY

Chairman,
Vijaya Bank,
Head Office,
Trinity Circle,
Bangalore.

Advocate—Shri B. C. Prabhakar.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/212/89-DII(A) dated 6-12-1993 for adjudication on the following schedule :—

SCHEDULE

"Whether the action of the Management of Vijaya Bank in terminating the services of Shri B. Jaya, sub-staff with effect from 9-9-80 is justified ? If not, to what relief, the said workman is entitled to ?"

2. The first party was working with the Second Party. His services were terminated and therefore this dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. It is the case of the first party that he was appointed as Temporary Attender by the second party at Karwar branch w.e.f. 12-6-1980 against a clear permanent vacancy of sub-staff and he continued till 9-9-1980. But the management without any justification relieved him from duty on 10-9-80 and the termination is illegal. Service certificate was not given though he requested for it.

6. It is the further case of the first party that he was called to appear for interview and he appeared for interview but he was deliberately not selected.

7. It is the further case of the first party that there was settlement on 19-8-1988 agreeing to absorb the eligible candidates among the temporary employees who had worked for 90 days above during the period from 1-1-82 to 30-6-1988. The action taken by the management is not correct and therefore the first party has prayed to pass award in his favour.

8. The case of the management in brief is as follows :

9. There are two categories of employees viz., Award Staff and Officer Employees. The award staff are further divided into two categories viz., Clerks and Sub-staff. The benefits of these staff is stated in para 3 of the Counter. The contention of the management is that engaging peons on temporary basis is in accordance with the provisions of bank awards and settlements. First party was taken as temporary peon on during the period from 12-6-1980 to 9-9-80 against intermittent vacancy caused on account of absence of Shri Ganapathy Chaya Nayak and the first party accepted the engagement and according to clause No. 20.7 of the first Bipartite Settlement provides for taking temporary peon. The management has stated in detail the rules and regulations in the counter.

10. The main contention of the management is that the first party was engaged as temporary peon on account of absence of Shri Ganapathy Chaya Nayak and the action of the management is correct and the first party has no case. Management for these reasons and for some other reasons has prayed to reject the reference.

11. It is seen from the records that workman got examined himself and on behalf of the management one manager was examined. I have read the above evidence carefully. I have perused all the documents.

12. In the instant case at the very outset I am of the opinion that the first party have no case on merit because as per the settlement there was a provision to engage temporary peon whenever regular staff remained absent and accordingly first party was taken as temporary peon. Even according to the evidence of workman he was taken on 12-6-1980 to work as temporary attender and he was working till 9-9-80. It is an admitted fact that some of the temporary attenders were called for interview and first party was also called for interview but he was not selected.

13. It was argued by the learned counsel on behalf of the first party that the first party was entitled for regular appointment and therefore he was called for interview and gave interview but nothing was informed about the result of interview and therefore, the management is not justified in refusing the

work. It is also argued that the first party was entitled for regular appointment and that is why he was called for interview and subsequently the management has not selected and terminated his services and this action of the management is not correct.

14. The workman has relied Ex. W4, Circular. I have carefully read the above circular. Ex. W4 was issued on 19th August 1988. This circular pertains to absorption of temporary peons and settlement with the recognised unions. According to this settlement opportunity was given to temporary employees who have worked as temporary peon in the Bank for a period of 90 days or more than in the past.

15. It was argued on behalf of the management that the first party cannot take the benefits of this circular, Ex. W4 because he has not worked for 90 days at all the first party worked only for 71 days and 85 days including holidays. It appears that after the interview, first party was not selected because he failed to establish that he worked for 90 days and eligible for absorption as per Ex. W4. It also gives an answer to the arguments advanced by the learned counsel for the first party.

16. I have carefully perused all the documents and attendance register. In the instant case the first party has not worked for 90 days and therefore he has not considered for regular appointment and this reference has no merit. Accordingly I proceed to pass the following Order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 23rd August, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 30 अगस्त, 2001

का.ग्रा. 2589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-01 को प्राप्त हुआ था।

[सं. एन-12011/254/2000-आई आर(बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi the 30th August, 2001

नई दिल्ली, 30 अगस्त, 2001

S.O. 2589.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 30-8-2001.

[No. L-12011/256/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT: BHUBANESWAR

PRESENT:

Shri S.K. Dhal,
OSJS (Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Industrial Dispute Case No. 376/2001

Date of conclusion of the hearing 23-8-2001

Date of passing Award 23-8-2001

BETWEEN

The Management of Deputy General Manager,
UCO Bank Building,
C-2, Ashok Nagar,
Bhubaneswar,
Orissa.

.... Ist Party-Management

AND

Their Workman,
Represented through the State Secretary,
UCO Bank Employees Association,
C/o UCO Bank,
Brajakabati Road Branch,
Cuttack-753001 (Orissa).

.... 2nd Party-Union

APPEARANCES:

None. For the Ist Party-
Management.

None. For the 2nd Party-
Union.

AWARD:

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-12011/256/2000-IR (B-II), dated 13-02-2001/16-2-2001:

"Whether the action of the Management of UCO Bank by not placing a Head Cashier in S.C.S. College, Puri, by allegedly violating the Promotion Policy Agreement is justified? If not, what relief the Union is entitled?"

2. In spite of intimation issued from the Government of India (Ministry of Labour) and from this Tribunal, both the parties have remained absent and they have not taken any step to assist the Tribunal for answering the reference. The Union has not filed their Claim Statement, which would suggest that no dispute exists between the parties at present.

3. Hence, no dispute award is passed.

4. Reference is answered accordingly.

Dated & Corrected by me.

S. K. DHAL, Presiding Officer

का.अ. 2590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-01 को प्राप्त हुआ था।

[स.एल-12012/40/99-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th August, 2001

S.O. 2590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Pune as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 30-8-2001.

[No. L-12012/40/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI V. L. KAMBLE, INDUSTRIAL
TRIBUNAL, MAHARASHTRA AT PUNE

REFERENCE (IT) NO. 12 OF 1999

ADJUDICATION

BETWEEN

UCO Bank, Pune

AND

Their Workmen.

In the matter of disallowing special leave to Shri R.D. Patil.

APPEARANCES:

Shri B.T. Mali for the first party.
Shri C.M. Patil for the Second Party.

AWARD

(Date: 2-7-2001)

By exercising powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government referred the dispute between management of UCO Bank and its workmen for adjudication to this Tribunal by order dated 11-6-99. The dispute between the parties specified in the Schedule to the Order of Reference and which this Tribunal is required to decide is:

"Whether the action of the management of UCO Bank in relation to its Kolhapur Main Branch in disallowing the special leave to Shri R.D. Patil, Clerk, Kolhapur main Branch for mountaineering/trekking for 21 days during the year 1993 is legal and justified? If not, to what relief the workman is entitled?"

2. Statutory notices are issued to the concerned parties. In response to the notice, on behalf of the concerned workman, Shri D. G. Nigohkar, Secretary of UCO Bank Employees Union, Pune, has put his appearance who was authorised by Shri C. N. Patel, General Secretary of the Union. Thereafter, statement of claim is filed by Shri D.G. Nigohkar, which is at Ex. U-2. In its statement of claim, it is stated that Shri R.D. Patil, Clerk, is employed with the first party at its Kolhapur Main Branch, Shri R. D. Patil is a trekker and as per the rules of the first party Bank, the employee is entitled for special leave upto 30 days for trekking. He has availed this facility for the following period:

1. 18-5-1987—28 days.
2. 16-5-1988 to 12-6-1988—28 days.
3. 1989-90—29 days.
4. 28-6-1991 to 27-7-1991—30 days.

However, when Shri Patil applied for leave for trekking for 21 days from 11-5-1993 to 31-5-1993, the management refused the application for special leave without just cause and valid reason. The workman made several representations to the first party Bank, but the bank has not considered the same. Therefore, the union took up the issue with the management vide its letter dated 8-7-1995. The said issue was also discussed during the Industrial Relations Meeting but the first party refused to concede this demand without just and reasonable ground. Since the management of the first party was not considering his claim, the dispute was taken up to the Conciliation Officer (Central) where also amicable settlement could not be arrived at between the parties. Therefore, the Conciliation Officer submitted his failure report. On his report, the Central Government has referred this dispute to this Tribunal for adjudication. With this, it is the contention of the second party that the employees employed with the first party are entitled to special leave for trekking. The workmen had also been sanctioned special leave for this purpose as per the rules of the first party Bank. The first party does not have the right to unilaterally change, the terms and conditions applicable to its employees, that too, without any just cause and valid reasons. Thus, the action of the first party is totally unjustified and the workman is entitled for special leave for 30 days for trekking. Hence, the demand of the second party workman may be granted. The first party be directed to sanction special leave for 21 days of which are as under :

3. The demand of the second party workman is resisted by the first party bank by filing its written statement which is at Ex. C-5. It is admitted by the first party that Shri R.D. Patil, Clerk from Kolhapur Branch had already availed special leave for Himalaya Trekking 4 times, the details of which are as under :

1. Special leave sanctioned for trekking in Himalaya for 28 days from 18-5-1987 to 14-6-1987;
2. Special leave sanctioned for 28 days from 16-5-1988 to 12-6-1988;
3. Special leave sanctioned for 29 days in 1989-90;
4. Special leave sanctioned for 30 days from 28-6-1991 to 27-7-1991.

It is the contention of the first party that Shri Patil again applied for special leave on the fifth occasion for going on an expedition from 11-5-1993 to 31-5-1993 which was declined by the bank, as it was the fifth occasion of availing special leave for this purpose. As per IBA Guidelines and Bank's Sports Board Circular BSB/General/386 dated 30-12-1989, special leave facility for mountaineering/trekking expeditions shall not exceed 30 days on any one occasion and not more than 3 occasions in the employee's entire career with a gap of at least two years between two expeditions. In exceptional circumstances, the gap of two years would be relaxed at the employer's discretion. It is further submitted by the first party that the Head Office had considered Shri Patil's request as special case for the fourth occasion which was availed from 28-6-1991 to 27-7-1991. Hence, when the workman requested for the fifth time, it was declined by the first party bank. The action on the part of the first party bank is legal and justified. On the contrary, the demand made by Shri R. D. Patil is not correct, legal and justified. With this, it is prayed that the reference be rejected and the demand made by the workman be rejected.

4. To overcome with the controversy between the parties, issues are framed for determination at Ex. C-7, as under :

1. Whether second party workman proves that he is entitled for special leave for mountaineering/trekking? If yes, under which rules?
2. Whether the action of the first party not granting special leave is illegal or unjustified?
3. Whether the second party workman is entitled for the relief sought for?
4. What order?
5. My answers to the aforesaid issues, with reasons, are as under :

1. No
2. No

3. No

4. As per final order.

REASONS

6. Heard Shri B.T. Mali, management representative for the first party bank and Shri C.M. Patel, learned union defence is led by either parties. Both the learned representatives are led by either parties. Both the learned representatives relied upon documents placed on record. I have gone through the documents placed on record. Those are letters, representations made by the union and the concerned workman and the replies given by the first party management.

7. On behalf of the second party workman, one circular was called upon from the custody of the first party bank, which is the Circular dated 6-9-1969 issued by the Ministry of Home Affairs, New Delhi. Under this Circular, special leave to Government servants for participating in mountaineering expeditions is granted. It is the submission of the learned union representative on behalf of the second party workman that there is no restriction on the employees for availing benefits of special leave for trekking or mountaineering. During the service tenure, the employee is entitled for this facility, but the limit is only 30 days for one calendar year. However, the learned management representative of the first party bank strongly relied upon the Circular dated 30-12-1989 which is issued by the Bank's Sports Board. He invited my attention to Clause (b) which reads as under :

"(b) The special leave facilities for mountaineering/trekking expeditions shall not exceed 30 days on one occasion and not more than three occasions in the employee's entire career, with a gap of at least two years between two expeditions. In exceptional circumstances, the gap of two years could be relaxed at the employer's discretion."

8. After going through this condition laid down by the Banks' Sports Board, it is crystal clear that the employees of the Bank are not entitled for this facility for more than three occasions. Admittedly, Shri R.D. Patil has availed this facility for four occasions. It is the contention of the first party bank that as a special and exceptional case, this facility was given to the concerned workman on the fourth occasion. Now, again and again, by exercising its discretion, the management cannot grant such facility to the concerned workman. Relying on this Circular, the management has declined to grant this facility of special leave for trekking expedition on the fifth occasion.

9. It is the submission of the learned union representative for the second party workman that such type of circular was never brought to the notice of the workman. Therefore, it cannot be said at this moment that the management has acted within its powers. Such type of defence cannot be accepted. After all, the benefits which are given to the workmen are by way of special leave facilities as per the decision of the Banks' Sports Board. If some restrictions are put by the Banks' Sports Board, those are required to be followed by the banks as well as workmen. A workman cannot take a defence that since the restrictions imposed by the Banks' Sports Board are not within my knowledge and therefore, such facility cannot be denied to me. Such type of defence cannot be accepted. It is an admitted fact that Shri R.D. Patil has already availed such type of facility of special leave for trekking expedition on four occasions. Therefore, now, in view of the Circular dated 30-12-1989 issued by the Banks' Sports Board, he is legally not entitled for special leave facility for trekking expedition for the fifth occasion. The demand made by the second party workman is illegal and contrary to the rules. Therefore, to my judgment, the second party workman has failed to prove that he is entitled for special leave for mountaineering/trekking expedition under the rules. With this, I answer Issue No. 1 in the negative.

10. In the aforesaid premises, the action on the part of the first party bank of refusing special leave cannot be said as illegal or unjustified. Thus, the second party workman is not entitled for the relief sought in this order of reference. With this, Issues 2 and 3 are answered accordingly. The reference requires to be rejected as the second party work-

man has failed to justify his demand. Hence, I pass the following order :

ORDER

1. Reference fails.
2. The demand made by the second party mentioned stands rejected.
3. Award be drawn accordingly.
4. In the circumstances, no order as to costs.

VIDYASAGAR KAMBLE, Industrial Tribunal.

नई दिल्ली, 30 अगस्त, 2001

का.आ. 2591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के सबूत नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अतिक्रमण, पटना के पचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 30-8-2001 को प्राप्त हुआ था।

[सं. एन-12012/80/2000-आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 30th August, 2001

S.O. 2591.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 30-8-2001.

[No. 1-12012/80/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference No. 243 of 2000

Reference No. 1(c) of 2001

Management of Central Bank of India, Patna and their workman Sri Krishnanand Malakar.

For the Management: Sri Ashok Kumar Saha, Asstt. Manager, Central Bank of India, Regional Office, Gaya

For the Workman: Sri B. Prasad, General Secretary, Bank Employees Federation, Bihar, Patna.

PRESENT:

Sri S. K. Mishra, Presiding Officer, Industrial Tribunal, Bailey Road, Patna.

AWARD

The 21st August, 2001

The Central Government in exercise of powers u/s 10 (1)(d) of the Industrial Disputes Act by order No. 1-12012/80/2000-IR(B-II) dated 24-8-2000 initially referred the following industrial dispute between the Management of Central Bank of India, Patna and their workman Sri Krishnanand Malakar for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad (Bihar)-I:—

"Whether the action of the Management of Central Bank of India in terminating the services of Sri Krishnanand Malakar w.e.f. 6-11-1997 is legal and justified? If not, what relief the concerned workman is entitled to?"

2. Subsequently by order No. 1-12012/80/2000-IR(B-II) dated 23-11-2000 the Central Government withdrew the proceeding of the said dispute from the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad and transferred it to this Tribunal for adjudication.

3. Both parties have filed their respective written statements. They have also filed written arguments after the close of the hearing of the Reference case. The case of the workman Sri Krishnanand Malakar as it appears from the written statement of claim filed on behalf of him in brief is that he was orally appointed by the Management of Central Bank of India, Nathnagar Branch, Bhagalpur on and from 2-5-1988 for discharging the duties of a Peon. He was discharging the duties of a regular Peon. He worked from 9 A.M. to 6 P.M. regularly on every working day. He was paid wages initially at the rate of Rs. 3 per day which was subsequently raised to Rs. 5, Rs. 10 and finally to Rs. 25 per day. While the workman performing his duties in the year 1992 the Bank called for certain names from the Employment Exchange and the name of the workman was forwarded to the Bank by the Employment Exchange for appointment. While the workman performing his duties he was suddenly stopped by the Management from working w.e.f. 6-11-1997. It is said that the workman worked more than 9 years continuously in the Branch. At the time of termination neither any notice nor notice pay nor any retrenchment compensation was given to the workman violating the provision of Section 25F of the I.D. Act. The action of the Management in stopping the workman from performing his duties w.e.f. 6-11-1997 is retrenchment within the meaning of Section 2(oo) of the I.D. Act. After termination the workman approached the Management on a number of occasions and represented orally and in writing for his reinstatement but without any result. At last the workman was compelled to raise the industrial dispute before the A.L.C. (c), Patna for his reinstatement. In the mean time the Management formulated a scheme at apex level for absorption of duly rated workers but they failed to consider the case of the workman in the light of the said scheme. The A.L.C. (c), Patna held conciliation proceedings but attempts for conciliation ended in failure and failure of conciliation report was sent to the Secretary, Ministry of Labour, Government of India by the Conciliation Officer. Ultimately the Central Government has made the Reference to this Tribunal for adjudication. The action of the management in termination the service of the workman is neither legal nor justified. The Management did not follow the principles of 'equal pay for equal work' as contained in Directive Principle of State Policy of the Constitution of India. The Management resorted to unfair labour practice as the workman was kept on tenterhook for over nine years. The workman has prayed for reinstatement with payment of back wages and regularisation of his service. The workman has also claimed payment of due wages for the period of his working.

4. The case of the Management as has been made out in its written statement in brief is that there is no relationship of Employer and Employee between the workman and the Management. As the procedure for recruitment was admittedly not followed while engaging the workman it can not be said that he was duly appointed by the Bank. Moreover, in the present case the appointment was made not by any authorised and competent Authority. The claim of the workman that he served the Bank from 1988 to 6-11-1997 is denied. According to the Management the concerned workman had occasionally supplied drinking water for which he was paid. The workman never discharged the duties of a Peon as claimed by him. No wages were ever paid to the workman. He was paid only the labour charge when he was engaged for supply of drinking water. It is further contended by the Management that as the concerned workman is not even a daily rated workman appointed as per rule, there is no question of his absorption in the Bank. Thus, according to the Management the workman is not entitled to any relief.

5. A rejoinder to the Management's written statement has also been filed on behalf of the workman reiterating the facts of his case as mentioned in his written statement. The present reference is to be decided within the conceptual frame work of the Industrial Disputes Act. In the present case the relevant questions which alone arise for determination is whether Sri Krishnanand Malakar is a workman or not; whether he worked 240 days in 12 calendar months preceding his retrenchment and whether the stoppage of his work is retrenchment within the meaning of Section 2(oo) of the I.D. Act and whether the conditions precedent to retrenchment were violated or not. The Bank being a State within

the meaning of Article 12 of the Constitution of India it was expected to deal fairly with the concerned workman. The Bank acted illegally by terminating his services without compliance or provisions of Section 25F of the I.D. Act. The Bank committed an error in not absorbing the workman despite the existence of a scheme for absorption and regularisation.

6. The following issues arise for adjudication in the present case :—

- (i) Whether the action of the Management of Central Bank of India in terminating the service of Krishnanand Malakar w.e.f. 6-11-1997 is legal and justified ?
- (ii) If not what relief the concerned workman is entitled to ?

FINDINGS

Issue No. (i) :

7. Before I proceed to decide the issues I would like to mention briefly the evidence, both oral and documentary, adduced by both the parties in support of their respective cases. Three witnesses have been examined on behalf of the Management. M.W. 1 Subodh Kumar is a clerk posted in Nathnagar Branch, Central Bank of India. In his evidence he has stated that the workman Krishnanand Malakar used to be engaged by the Branch at times for supply of water to the staff about 3 or 4 years ago. Thus according to him the workman used to be engaged as such till the year 1997. No attendance of the workman used to be taken. No timing for attending the duties had been fixed. The workman used to leave the Bank after supplying water. In cross-examination he has stated that he is not acquainted with all the facts of the present dispute. He does not remember from which date and upto what date the concerned workman worked in the Branch. According to him the workman used to put his signature on the back of the vouchers and that such signatures do not bear on the back side of vouchers which have been filed by the Management (Ext. M series). M.W. 2 Satya Narain Prasad has stated that he was the Branch Manager of Nathnagar Branch from December, 1996 to September, 2000. According to him Sri Krishnanand Malakar used to be engaged by the Branch for supply of water to the staff. The witness has however added that besides supply of water the workman used to perform miscellaneous works of the Bank as and when required. According to the witness the workman was paid wages as and when he worked and no attendance was taken. He used to work only for two or three hours in a day. In his cross-examination he has said that he does not know whether the Branch Manager Sri Arbind Sharma had referred the name of the workman to the Regional office for regularisation of his service. But he has admitted that Ext. W and W/1 are the zerox copies of the letters issued from Nathnagar Branch and both the letters bear the signature of Branch Manager Sri Arbind Sharma. Further the witness has said that in the year 1996 and 1997 also wages had been paid to the workman through vouchers. After verifying Ext. M series the witness admits that none of those vouchers relate to the period of 1996 and 1997 when he was the Branch Manager. M.W. 3 Syed Mohammed Masum Ali has stated that he worked at Nathnagar Branch as Chief Cashier from July, 1980 to June, 1989. In cross-examination he has said that the workman had never been engaged for any period continuously and he can not say the total number of days worked by Sri Malakar. This witness has not denied that Sri Malakar had also discharged the duties of a Peon in the Branch. He has simply denied and knowledge about it.

8. Only one witness has been examined on behalf of the workman and he is W.W. 1 Krishnanand Malakar the concerned workman himself. In his oral evidence the workman has fully supported the facts of the case as have been made out in his written statement. In his deposition he has said that normally he used to work from 10 A.M. to 6 P.M. on every working day and he discharged all the normal duties of a regular peon. Initially he was paid Rs. 3 per day which was subsequently increased to Rs. 5 Rs. 10 Rs. 15 and finally Rs. 25 per day. In his oral evidence the workman stated that some times payments were made to him in the fictitious names of some other persons such as Suresh Prasad and Kishore Kumar and he used to write their names on the vouchers in token of receipt of payment as per the direction of the Management. He has said that he had filed representations for regularisation of service in terms of the settlement

of the year 1990. He worked 246 days in 12 Calendar months preceding his retrenchment. He had also worked 240 days in 12 calendar months as per the aforesaid settlement. According to him the Branch Manager of Nathnagar had obtained the names from the local Employment Exchange. The Employment Exchange had submitted names before the Branch Manager including his name. Ext. W/3 is the zerox copy of the letter with enclosure submitted by the local Employment Exchange before the Branch Manager. The workman has stated that thereafter the candidates had been interviewed by the Branch Manager and after the interview he had been engaged in the Branch. The workman has stated that he worked as a casual peon in the Branch continuously for over nine years. In his cross-examination he has said that when there was disruption of supply of electricity then only he used to fetch water from tube well to the Upper Floor of the building where the Branch is located otherwise he used to perform all the duties of a regular peon. He used to put his signatures on the back of the vouchers without reading what was written on those vouchers. He did not make any protest for low payment before any authority since he had been given an assurance that he would ultimately be absorbed in the regular service. The witness has further said in his cross-examination that nothing was told to him on each day as to what work he was to do on that day. Initially when he had been engaged he had been told to work regularly giving the assurance that in course of time, he would be absorbed on permanent post.

9. As regards documents exhibited on behalf of the workman Ext. W and W/1 are the zerox copies of letters of the Branch Manager to the Regional Office about which I have already discussed. Ext. W/2 is the zerox copy of the letter from the Regional Office, Bhagalpur addressed to the Branch Manager dated 19-8-1992 forwarding 13 names of the candidates including the name of this workman. Ext. W/3 is zerox copy of the memorandum of settlement arrived between the Management of Central Bank of India and All India Central Bank Employees Federation the recognised majority union dated 24-12-1990 and the consequent circular of the Bank dated 12-3-1991 as per the said settlement. According to the said settlement and the circular of the Bank casual workers who had put in 240 days or temporary service in any continuous period of 12 months after 1-1-1982 upto 31-12-1990 would be considered for absorption in the immediate available vacancies without any test and interview.

10. It may here be mentioned that an affidavit petition was filed on behalf of the workman on 19-2-2001 requiring the Management to furnish the details of payment date wise, month wise and year wise. Accordingly an order was passed by this Tribunal on 1-3-2001 directing the Management for furnishing such details. In compliance of the said direction the Management has filed zerox copies of some payment vouchers only of the years 1983, 1989 and 1990. None of the vouchers bears the signature of the workman on the back of the same. On the body of almost all vouchers it is written that payment was made for supply of water. It becomes apparent from the letters of the Branch Manager (Ext. W and W/1) and also from the evidence of M.W. 2 that the Management has not filed all the vouchers. No explanation is forthcoming for non filing of recent vouchers from the year 1991 to 1997. Thus, it becomes apparent that the Management has attempted to suppress material facts. It has been the case of the Management that the workman had been engaged only for supply of water and to discharge contingent nature of work. But there is nothing in the letters of the Branch Managers (Ext. W and W/1) to show that the workman had been engaged only for supply of water or for doing contingent nature of work. According to the letter of the Branch Manager dated 31-1-1994 (Ext. W) the workman worked a total period of 564 days in the year 1988, 1989 and 1990. He worked 220 days in 1983, 188 days in 1989 and 96 days in 1990. The claim of the workman is that he was engaged in the Branch w.e.f. 2-5-1988. Thus he worked 220 days from 2-5-1988 till December, 1988. Thus it proves beyond doubt that the workman must have worked more than 240 days from 2-5-1988 till 1-5-1989. The letters show that it was sent to the Regional Office by the Branch Manager in compliance of the letter of the Central Office dated 20-9-1993 for absorption of temporary employees. Had the workman not completed 240 days of work in continuous 12 months as per the settlement the Branch Manager would not have forwarded the application of the workman with his recommendation for absorption. Likewise Ext. W/1 is the zerox copy of

another letter by the Branch Manager to the Regional Office. It is clearly mentioned in this letter that Sri Malakar worked from 1-1-1989 till 24-12-1990 as a casual labourer in the vacancy of sub-staff. In this letter the Branch Manager has forwarded copies of certificates duly signed by the candidate and verified by the Branch for favourable consideration in the matter. The genuineness of these two letters (Exts. W and W/1) can not be doubted. The Management witness No. 2 has admitted in his cross-examination that these letters had been issued from the Branch and they bear the signatures of the Branch Manager Sri Arvind Sharma.

11. In view of my above discussions I have no hesitation to find that the concerned workman had worked more than 240 days as per requirement of the Bank's circular and settlement (Ext. W/3) and in this view of the matter he was entitled for regularisation in service as per the terms of settlement of the year 1990.

12. As regards the question whether the workman worked at least 240 days in continuous 12 calendar months preceding his retrenchment, I find that there is no specific denial by the Management that he worked till 5-11-1997. In the written statement filed by the Management it is merely denied that the workman concerned served the Bank as an employee from 1988 to 6-11-1997. It is none of the case that the workman had served as a regular employee. It is the case of the workman that he worked as a casual worker on daily wage basis. As I have already held earlier the workman had been engaged not only for supply of water or for doing contingent nature of work it is well proved that he also discharged the normal duties of a Peon. There is nothing to disbelieve the workman that he worked from 10 A.M. to 6 P.M. on every working day and that he worked as long as for nine years till he was retrenched. As I have already discussed earlier it becomes apparent even from the Management witness Nos. 1 and 2 that Sri Malakar worked till 5-11-1997 as claimed by the workman. The Management has not filed any payment voucher or any other document to show the details of work of Sri Malakar from the year 1991 till he was retrenched on 6-11-1997. In the circumstance I am compelled to accept the evidence of the workman that he worked more than 240 days in 12 calendar months preceding his retrenchment. It is not disputed that the requirements of section 25F were not complied with at the time of retrenchment. It was submitted on behalf of the Management that as Sri Malakar had never been appointed and his services were not terminated there was no requirement of compliance of provisions of section 25F of the I.D. Act. But it is well settled law that for applicability of the provisions of section 25F of the I.D. Act there need not be any formal letter of appointment or formal order in writing of termination. Termination effected not by any voluntary order will also come within the meaning of retrenchment u/s 2(60) of the I.D. Act (1994 P.L.J.P. page 612). The pleas of the Management that the Branch Manager who had engaged Sri Malakar had no authority to make such engagement or that the procedure prescribed for recruitment to sub-staff was not followed while engaging Sri Malakar and that since Sri Malakar had been engaged illegally and unauthorisedly he can not be reinstated to such illegal appointment can not be of any avail to the Management. It is now well settled law that the provisions of section 25F are applicable even to a daily rated workman who had continuously served for 240 days in a year (1997 11 S.C. cases page 396—Rattan Singh Vs. Union of India and another). A daily rated workman, who has completed service for 240 days within the meaning of 25-B, can not be terminated from service on the ground of even misconduct without a departmental enquiry or without complying the provisions of S.25F of the I.D. Act [1994(2) P.L.J.P. page 669, A.I.R. 1994 S.C. page 1638] Service terminated in violation of section 25F of the I.D. Act (1994(2) P.L.J.P. page 669, A.I.R. 1994 S.C. initio void and an employee is entitled to continuity of service with full back wages [1989 S.C. cases (L & S) page 565—Navotam Chopra Vs. Presiding Officer, Labour Court and others]. Termination of employment on the ground of appointment being illegal will itself qualify as retrenchment within the meaning of section 2(60) of the I.D. Act. The idea of illegal or invalid appointment is quite foreign of the scheme of the I.D. Act. Section 2(s) of the I.D. Act which defines 'workman' does not have such distinction. [1994(2) P.L.J.P. page 249—Mithlesh Kumar Singh Vs. State of Bihar].

13. In the present case as Sri Malakar worked more than 240 days in 12 Calendar months preceding his retrenchment and as the requirements of section 25F of the I.D. Act were not complied with before termination of service of the workman, I find and hold that the action of the Management of Central Bank of India in terminating the services of the workman w.e.f. 6-11-1997 is illegal and unjustified. This issue is accordingly decided.

Issue No. (ii):

14. As has been held by the Hon'ble Supreme Court in Navotam Chopra case referred earlier if the service of the workman is terminated in violation of section 25F of the I.D. Act the order of termination being ab-initio void the employees ordinarily be entitled to continuity of service with full payment of back wages. In view of this established principle of law I hold that Sri Malakar is entitled to be reinstated in service w.e.f. 6-11-1997 with payment of full back wages. The workman is also entitled to be absorbed in permanent service of sub-staff cadre in the light of the settlement and circular of the Bank (Ext. W/3). The Bank must absorb the workman in permanent post in sub-staff cadre as and when vacancy will occur. Accordingly the Reference is answered. Let the Management implement the Award within the period of 30 days from the date of its publication.

15. This is my award.

S. K. MISHRA, Presiding Officer

नई दिल्ली, 30 अगस्त, 2001

का.अ. 2592:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-01 को प्राप्त हुआ था।

[सं. एल-12012/126/2000-आई आर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th August, 2001

S.O. 2592.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 30-8-2001

[No. L-12012/126/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT

CHENNAI

Friday, the 10th August, 2001

PRESENT:

K. Karthikeyan, Presiding Officer.
Industrial Dispute No. 88/2000

(In the matter of the dispute for adjudication under clause (J) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri Y. Krishnakumar and the Management of Bank of Baroda, Chennai.)

BETWEEN

Shri Y. Krishnakumar : I Party|Workman,

AND

The General Manager,
Bank of Baroda, Chennai. : II Party|Management.

APPEARANCE :

For the Workman : Sri T. N. Sugesh, Advocate.

For the Management : M/s. A. R. Nagarajan,
Advocates.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-12012/126/2000/IR(B-II) dated 11-10-2000.

When the matter came up before me for final hearing on 11-6-2001, upon perusing the Claim Statement, Counter Statement, other material papers on record, upon perusing the documentary evidence let in on either side and upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal as follows:—

“Whether the dismissal of Shri Y. Krishnakumar by the Management of Bank of Baroda, Chennai is legal and justified? If not, what relief is the workman entitled to?”

2. The averments in the Claim Statement filed by the I Party|Workman are briefly as follows :—

The I Party|Workman Sri Y. Krishnakumar (herein after referred to as Petitioner) was appointed as subordinate staff in the II Party|Management Bank of Baroda (hereinafter referred to as Respondent) on 29-6-1978. Subsequently he was transferred to the Madras Main Branch during the month of August, 1982. While working in that branch, as a result of family circumstances, the Petitioner issued ten cheques of Rs. 200 each to one Subramaniam towards collateral security for the debt incurred by another person to the said Subramaniam. The said transaction was entirely a private transaction and had nothing to do with the bank's official transaction. The said Subramaniam presented one of the cheques for realization

without the consent or the sanction of the Petitioner. So, the Petitioner had requested the bankers to return the same and it was accordingly dishonoured. The said Subramaniam presented the second cheque for realization without any knowledge or consent of the Petitioner. While so, all of a sudden the Chief Manager, the Madras main branch, Bank of Baroda issued a show cause notice dated 9-1-87 stating that the cheques bearing no. 877301 for Rs. 200 dated 7-5-86 and cheque No. 877303 for Rs. 200 dated 7-6-86 were presented by the Payees' bankers, i.e. Canara Bank, Abhiramapuram, Chennai, through clearing and that said cheques alongwith another instrument of M/s. Engine Valves for Rs. 783.36 dated 7-6-86 were missing after reaching Madras Main Branch and that the Petitioner have failed to provide sufficient balance in his S.B. Account No. 11107 and calling upon him to show cause to the said notice. The Petitioner submitted his reply to the said show cause notice on 14-1-87 denying any knowledge about the missing cheques and with regard to insufficiency of funds in his S.B. Accounts and he shall make arrangements for funds. After the submission of his explanation, no further action was taken for the next one and half years. After the lapse of about 22 months from the date of his submission of his explanation the Petitioner was placed under suspension by an order dated 11-10-88, pending investigation into that alleged misappropriation of moneys given for the purchase of stamps and alleged concealment of covers. Thereafter a charge memo dated 8-12-1988 was issued to him by the Regional Manager of the Respondent|Bank stating that while attached to the despatch department of Overseas Branch certain envelopes handed over to the Petitioner for booking by Registered Post were allegedly not presented at the post office and necessary entries were not obtained and that a sum of Rs. 205.90 entrusted for the said purpose was not accounted for and that the Petitioner allegedly misappropriated the same. It was further stated that another sum of Rs. 106.10 was also given for purchase of stamps for posting certain ordinary covers and that it was also not accounted for and that the Petitioner had misappropriated the said amount. It was also alleged that while working at Madras Main Branch the Petitioner had allegedly borrowed Rs. 200 from one Subramaniam and issued ten blank cheques leaves and that two cheques bearing Nos. 877301 for Rs. 200 dt. 7-5-86 and 877303 for Rs. 200 dated 7-6-86 were presented for clearing and that the two cheques were allegedly found missing with another instrument pertaining to M/s. Engine Valves and that the Petitioner allegedly failed to provide sufficient balance in his S.B. Account. In the charge memo itself, an Enquiry Officer namely Mr. V. Srinivasan, Sr. Branch Manager, T. Nagar Branch was appointed to enquire into the charges and it was stated that the petitioner's explanations if any, may be submitted to the Enquiry Officer. By appointing the Enquiry Officer even before obtaining the Petitioner's explanation and examining them that predetermined attitude of the Respondent|Management is reflected. The Enquiry Officer has conducted his enquiry and submitted his findings to the Disciplinary Authority. Subsequently, the Disciplinary Authority issued a notice dated 22-12-1989 also with the enquiry report dated 19-8-89 stating that he differed from the findings of the Enquiry Officer and

so far as the charge of tampering the cheques and missing instruments were concerned, and concur with the other findings of the Enquiry Officer. The Petitioner was not provided any opportunity to show cause against the different findings arrived at by the Disciplinary Authority, an opportunity to show cause against the proposed punishment of dismissal from service only was provided. The Petitioner submitted his explanation against the proposed punishment. The Disciplinary Authority passed a final order dated 30-1-90 dismissing the Petitioner from service with effect from the date of that order. The appeal presented by the Petitioner to Appellate Authority was also rejected by an order of the Appellate Authority dated 21-5-90. Subsequently, the Petitioner made two representations on 22-10-90 and 10-9-91 to the Managing Director of the Respondent Bank. But the said representations were failed to evoke any response. Then the Petitioner preferred a Writ Petition in W.P. No. 13388/1992 in Madras High Court challenging the order of dismissal and the rejection of appeal. The High Court passed an order dated 7-12-99 permitting the Petitioner to withdraw the writ petition with liberty to move the Labour Court within fifteen days from the date of receipt of that order. Then the Petitioner has raised an industrial dispute before the conciliation officer and it ended in failure. So, the dispute had been referred to this Tribunal for adjudication. The enquiry proceedings have been held in violation of the principles of natural justice. The failure to give opportunity to the Petitioner vitiates the order of dismissal. The charge memo itself is vague in nature. Neither the list of documents nor the list of witnesses by which the charges were proposed to be proved were furnished along with the charge memo. The charges were not proved beyond doubt. No witnesses were examined on behalf of the Management. The Petitioner was not guilty of misappropriation and had not admitted the charges. The charges were not supported by any evidence. The punishment imposed is grossly and shockingly disproportionate to the charges levelled against the Petitioner. The Petitioner had also not been paid any other terminal benefits. Hence, the Tribunal may be pleased to set aside the order of dismissal passed by the Respondent Management and direct the Management to reinstate the Petitioner in service with full back wages, continuity of service and all other attendant benefits.

3. The averments in the Counter of the respondent are briefly as follows :—

The Petitioner was charge sheeted for gross misconduct. An enquiry was conducted giving every possible opportunity to the Petitioner following the principles of natural justice and the punishment was imposed after complying with all the requirements, since he was found guilty. Even though the transaction of the borrowing by the Petitioner may be private in nature, the fall out of the returned cheques is amounting to incurring debts to an extent considered by the Management as excessive, which is a misconduct in terms of the Bipartite Settlement governing the service conditions of the Petitioner. In the departmental enquiry, the Petitioner was found guilty. The Presiding Officer deemed it fit to present the case based on documentary evidence as the allegations were of such nature that there was no need for him

to produce any oral witness. During the enquiry, the Petitioner had given ample opportunity to defend his case. He was given an opportunity to show cause the proposed punishment. The Disciplinary Authority had issued a charge sheet and named the Enquiry Officer that it was in accordance with the Settlement governing the service conditions of the Petitioner. So it cannot be said that the Disciplinary Authority with a predetermined and biased manner dealt with the matter. The misappropriation of the money intended for affixing postal stamp is a serious one. The act cannot be viewed leniently since it reflects the criminal intention of the Petitioner to defraud the bank. Dishonesty in any form cannot be viewed sympathetically whether the amount is paltry sum or a substantial one. The dishonest act of the Petitioner reflects upon his integrity. Continuing the services of such employees with questionable integrity and honesty is not conducive to the financial institution. The Appellate Authority dismissed the appeal since he did not find any merit in the appeal. In the departmental enquiry held on 15-2-89, the Petitioner had categorically accepted the charges. He informed the Enquiry Officer that he has not involved in the missing clearing instruments at the Madras Main Office. As per the provisions of the Settlement only, the Disciplinary Authority had differed from the findings of the Enquiry Officer. The allegation that the charge memo is vague is totally incorrect. As per the then existing guidelines/Bipartite Settlement governing the service conditions of the Petitioner, there is no need to attach the documents with the charge sheet. Hence, the Tribunal may be pleased to dismiss the petition.

4. The Respondent had filed an additional Counter. The averments in the additional Counter of the Respondent are briefly as follows :

The Petitioner ought to have moved this Court within 15 days from the receipt of order of the High Court dated 7-12-99 in his Writ Petition. The said order was made ready on 14-12-99. So the Petitioner ought to have filed the present I.D. on or before 29-12-99. But he filed the present petition only on 5-12-2000 i.e. one year after the order passed by the High Court. Hence, the present petition is not maintainable. On that ground alone the petition has to be dismissed.

5. When the matter was taken up for enquiry, with the consent of the counsel on either side, documents were marked as Exhibits W1 to W8 and M1 to M25. No oral evidence on either side was let in. The learned counsel on either side have advanced their respective arguments.

6. The points for my consideration are—

1. "Whether the domestic enquiry conducted by the Respondent for the alleged charges of misconduct of the Petitioner was fair, proper, valid and as per the principles of natural justice ?
2. "Whether the dismissal of the Petitioner from the service by the Respondent Management is legal and justified ? If not to what relief, the concerned workman is entitled ?"

Points 1 & 2 :—

The Petitioner Sri Y. Krishnakumar was working as a sub-staff in Bank of Baroda, Main Office at Madras. While he was working there is that branch, the Chief Manager issued him a show cause notice dated 9-1-87. The xerox copy of the same is Ex. W1. It is with regard to his borrowal of Rs. 2000 from one Mr. Subramanian for which he has issued the blank cheques of Rs. 200 each in respect of his S. B. Account No. 11107 in Madras Main Office and that two cheques bearing No. 877301 and 877303 each for Rs. 200 and presented in clearing on 24-6-86. There was no sufficient balance in the said S. B. account of the Petitioner and further those two cheques along with another instrument of M/s. Engine Valves for Rs. 783.36 dated 7-6-1986 were missing after reaching the Madras Main Branch. The Petitioner has submitted his reply dated 14-1-87. The xerox copy of the same is Ex. W2. In that reply he has admitted that cheque No. 877301 to 877310 were issued to him at his request and he has admitted that two cheques mentioned in the notice were issued by him and he was not aware of the missing of cheques along with the other instruments of M/s. Engine Valves and he has admitted that on many occasions earlier his cheques were returned by the bank for want of funds and he shall provide funds after ascertaining and getting confirmation from Mr. S. Subramanian. It is also admitted that a charge of misconduct of misappropriation of funds of the bank given to the Petitioner for the purchase of stamps, was issued to him by the Respondent|Bank and the xerox copy of the charge memo dated 8-12-88 is Ex. W4. Prior to that the Petitioner was issued with an order of suspension dated 11-10-88, the xerox copy of the same is Ex. W3. In pursuance of the charge memo, an enquiry was conducted by the Respondent as a departmental inquiry. The xerox copy of the Enquiry Officer's report is Ex. W5. Later based on the findings of the Enquiry Officer's report, the Disciplinary Authority has passed a final order dated 30-1-1990 imposing the punishment of dismissal from service from the date of that order. The xerox copy of the same is Ex. W6. Then the Petitioner has preferred an appeal to the Appellate Authority and the same also was dismissed by an order dated 21-5-90 by the Appellate Authority. The xerox copy of the same is Ex. W7. Then the Petitioner presented a representation dated 10-9-91 to the Chairman and Managing Director of Bank of Baroda, Bombay requesting him to reinstate him in service. The xerox copy of that representation is Ex. W8. On the side of the Management, xerox copies of 18 documents have been marked with the consent of the learned counsel for the Petitioner as Ex. M1 to M18. Later, seven more xerox copies of documents were filed by the Respondent|Management and they were also marked by the consent of the counsel for the Petitioner as Ex. M19 to M25. Ex. M1 to M18 are the documents relied upon by the Respondent in the departmental enquiry before the Enquiry Officer to prove the charge levelled against the petitioner. Ex. M19 is the xerox copy of letter dated 18-2-89 given by the Petitioner to the Enquiry Officer. Ex. M20 is the xerox copy of the order passed by the High Court in W.P. No. 13388/92. Ex. M21 is the xerox copy of circular issued by the Central Office, Bank of Baroda dated 3-9-99 in

respect of providing of a copy of substituted findings to the delinquent employee. Ex. M22 is the xerox copy of another circular dated 17-2-94 issued by the Respondent|Bank to all the Disciplinary Authority. Ex. M23 is the xerox copy of Circular dated 15-2-99 issued by the Industrial Law Department, Central Office, Mumbai of the Respondent|Bank with regard to the disciplinary action against award staff. Ex. M24 is the xerox copy of proceedings dt. 15-2-1989 conducted by the Enquiry Officer. Ex. M25 is the xerox copy of notice dated 22-12-89 issued by the Regional Manager [(TN I) & Disciplinary Authority] of the Respondent|Bank with regard to show cause against the nature of the proposed punishment. All these documents filed on the side of the Respondent|Bank have not been disputed by the Petitioner.

7. The learned counsel for the Petitioner would argue that the entire proceedings have been held in violation of principles of natural justice and that the Petitioner has been denied reasonable opportunity to defend effectively in the departmental enquiry. So the entire proceedings is liable to be set aside. It is his further contention that the charges were framed against the Petitioner have not been clearly spelt out and does not clearly state the corresponding act of the Petitioner which had allegedly been in violation of rules. So due to the vagueness in the charge sheet, the entire proceedings is vitiated. He would further contend that neither list of documents nor list of witnesses by which the charges proposed to be proved were furnished along with the charge memo and it is the gross violation of principles of natural justice. It is also his contention that the Disciplinary Authority, while issuing the charge sheet has stated that an official of the bank has been appointed as an Enquiry Officer to enquire into the charges levelled against the Petitioner and the said act of Disciplinary Authority shows his biased attitude as a foreclosed and predetermined one before ever getting the explanation to the charges from the Petitioner and after having found that the explanation submitted by him is not satisfactory. The appointment of Enquiry Officer by the Disciplinary Authority in the charge sheet itself, is in violation of principles of natural justice. So, it indicates that it is only an empty formality. He would further contend that even though the Enquiry Officer has found that the charge relating to missing cheques and tampering of the cheques and missing instruments were not proved, the Disciplinary Authority differed with the findings and while doing so, no opportunity was given to the Petitioner to explain his stand. But, on the other hand, he issued a show cause notice to the Petitioner with a proposed punishment. So, it amounts to serious violation of natural justice. The learned counsel for the Petitioner had put forth another contention that no witness has been examined on behalf of the management and all the documents marked as exhibits in the disciplinary proceedings related to the alleged tampering of cheques and missing instruments. The Enquiry Officer, considering these documents, had concluded that the said allegations against the Petitioner, delinquent employee with regard to missing of cheques and tampering of instruments have not been proved. Further there is no evidence in support of the charge of misappropriation. The procedural delay in posting covers would not be equated with misappropriation and other related offence. The punishment of dismissal imposed on the

Petitioner who had rendered about 12 years of service is grossly and shockingly disproportionate to the charges framed against him. Hence, the punishment of dismissal is liable to be set aside.

8. It is not disputed that the Petitioner had issued ten cheques to one Mr. S. Subramanian bearing his S.B. Account, which he is having in the main branch of the Respondent Bank. It is also not disputed that two of the cheques presented for collection were dishonoured for want of funds in his S.B. Account. Ex. W2 is the letter of the petitioner himself, dated 14-1-87, wherein he has admitted that he was issued those ten cheques by the bank at his request and two of the cheques mentioned in Ex. W1 notice were presented for clearance in the said dates and those two cheques were returned by the branch for want of funds and he also undertook to provide funds for the same. Ex. W4 is the charge memo dated 8-12-88. In that charge memo, it is clearly alleged that a sum of Rs. 205.90 entrusted to the Petitioner for purchase of stamps and to send the envelopes containing valuable of the bank under Registered Post on 1-8-88, 19-8-88, 20-8-88 and 23-8-88 have not been actually presented at the post office and he has not obtained necessary receipt from the post office and neither he submitted the postal receipt for booking the registered articles nor returned the balance thereof. So he had misappropriated a sum of Rs. 205.90 entrusted to him towards the value of stamps to be affixed on the envelopes. In that charge sheet, it is further alleged that one complaint received from Daiwa Bank, Tokyo, about non-receipt of documents negotiated by Respondent Overseas Branch for U.S. \$11,925 on account of non-posting of registered covers in time, by the petitioner, the bank may loss monetarily. Apart from this charge, the earlier misconducts mentioned in Ex. W1 also have been mentioned in this charge sheet Ex. W4. Ex. M19 is the reply given by the Petitioner dated 8-2-89 for the charges under Ex. W4. In that reply, he has admitted that he was entrusted with Rs. 205.90 and Rs. 106.10 for purchasing stamps to affix them on office covers to despatch them in GPO. He would further state in that reply that he entrusted the amount to his friend whom he met at the GPO for the purchase of stamps and he left to have a tea and when he came back his friend disappeared with the amount. So, he put all the office covers in his locker for safety and as the days passed by he was in a fix to inform the same to his superiors. He remained silent understanding the seriousness of situation of turn of events. He has also stated that he realised that he has done a blunder in not reporting promptly to his superiors and he understood the seriousness and harm done to bank's interest in view of delay in despatch of the covers. He has also added in his reply that he had made a confession that and he may be forgiven in view of his confession. This reply under Ex. M19 given by the Petitioner as a reply to the charge memo to the Enquiry Officer is not disputed. In the report of the Enquiry Officer under Ex. W5 the Enquiry Officer has clearly stated that the charge sheeted employee in the preliminary enquiry on 15-2-89 has confessed in his letter dated 18-2-89 by admitting that he was entrusted with Rs. 205.90 and Rs. 106.10, but he failed to prove his other allegations by examining his friend, whom he said to have met at GPO and he gave him the

money for the purchase of stamps but he only left the place when the petitioner was for a cup of tea. He has also concluded in his report that the charge sheeted employee acted prejudicial to the bank by entrusting the bank's money to a friend, and thereby failing to carry out the duties entrusted to him and has stated that charges 1, 2, 3, 5 and 6 have been proved. Out of the five charges said to have been proved by the Enquiry Officer in his report, the first three charges constitute as gross misconducts, whereas the other two charges as minor misconducts.

9. Neither before the Enquiry Officer nor before the Disciplinary Authority or before the Appellate Authority or even when the Petitioner prefers a petition to the Chairman and Managing Director of the Respondent Bank under Ex. W8, the Petitioner has stated that he was not given sufficient opportunity in the departmental enquiry to put forth his defence effectively. Further he has not stated anywhere except in the claim statement that the charges were vague hence he cannot put forth his defence effectively. On the other hand, it is his submission under Ex. M19 letter dated 18-2-89 that he has admitted his misconduct and prayed for mercy. So, under such circumstances, the argument advanced by the learned counsel for the Petitioner that he was not given sufficient opportunity to effectively defend himself either before the Enquiry Officer or before the Disciplinary Authority. On the other hand, from the materials available in this case by way of exhibits marked by consent of the counsel on either side, it is evident that sufficient and reasonable opportunities were given to the Petitioner, as charge sheeted employee to put forth his stand in the domestic enquiry or departmental enquiry. Further, a perusal of the documents clearly shows that there are sufficient evidence by way of undisputed documentary evidence to show that the charge of misappropriation of the funds of the Respondent Bank by the Petitioner have been established as it was admitted by the Petitioner himself under Ex. M19 in writing. It is not his case that he has given that reply to the charge sheet admitting his misconduct, under undue influence or coercion. Further, reasons have been given by the Disciplinary Authority in his report for not accepting the findings of the Enquiry Officer in certain charges and to find that charges also have been proved against the charge sheeted employee, the Petitioner herein. It is seen from the records and also admitted by the Petitioner himself that he has utilized ten cheques for his S. B. Account. In the final order dated 30-1-90 passed by the Disciplinary Authority which is Ex. W6 he has stated that 'Sri Y. Krishnakumar, the charge sheeted employee during the relevant period was attached and working in the Current Account department of our Madras Main Office. Generally, the officer, in-charge of current account is not expected to issue a cheque book of current account to S. B. account holder, particularly to staff members.....' In all probability the said cheque book was taken possession of by Sri Y. Krishnakumar only. Moreover no other person entrusted with cheque leaves of the said cheque book and no one is also interested in destroying the cheque leave thereof. Thus, he has given his reason to differ from the findings submitted by the Enquiry Officer to the extent that Sri Y. Krishnakumar the

charge sheeted employee for the charge of missing cheques. On such finding given by the Disciplinary Authority contra to the finding of the Enquiry Officer in his report cannot said to be a finding without any basis or evidence. From the available materials, it is seen that the contention of the Petitioner that in the departmental enquiry, the charge sheeted employee, the Petitioner, has been denied a reasonable opportunity to submit his explanation against the findings given in the enquiry report amounts to a serious violation of principles of natural justice is incorrect. The further contention of the learned counsel for the petitioner that mentioning of the appointment of the Enquiry Officer in the charge sheet itself shows that the biased and pre-determined attitude of the Disciplinary Authority and it is also a violation of principles of natural justice is also not correct. Further, his contention that the charges have not been proved against the Petitioner in the domestic enquiry is not correct. On the other hand, the exhibits filed on either side, go to show that there is sufficient evidence to come to the conclusion that the charges levelled against the Petitioner have been proved.

10. In a case decided by the Supreme Court reported as AIR 1989 SC 1854 Pyarelal Sharma Vs. Managing Director, J & K Industries Ltd. & Others, it is held that "if the order can be supported on one ground for which the punishment can lawfully be imposed, it is not for the Court to consider whether that ground alone would have weighed with the authority punishing the public servant". From this it is evident that out of the many charges levelled against an employee, even if one charge alone has been proved as a misconduct, the Disciplinary Authority can impose punishment for the same. Here, in this case, there is sufficient evidence available to come to the conclusion that the proved misconduct of the Petitioner, the charge sheeted employee, is a gross misconduct which can be dealt with severely as per the provisions of the Bipartite Settlement. It is evident from the materials available in this case that the Petitioner has failed to discharge his duties sincerely but misappropriated the amount intended for purchase of postal stamps to be affixed on envelopes containing documents and other papers to be mailed to the parties including a bank in a foreign country. This amounts to dishonesty also. Merely because the amount involved is paltry sum, it cannot be said that such a proved misconduct can be viewed sympathetically. The intention of the person who commits an offence which is a proved misconduct have to be considered while the quantum of punishment is finalized. It reflects very much about the integrity and honesty of the Petitioner himself. So, continuing the services of such employee with questionable integrity and honesty is not conducive to the institution like the respondent bank as it is mentioned in the order of the Appellate Authority. So, as it was decided by the Disciplinary Authority, the proved misconduct of the Petitioner in the disciplinary proceedings, is a gross misconduct warrants deterrent punishment, as it is defined in the Bi-Partite settlement. Under such circumstances, it cannot be held that the punishment of dismissal from service imposed on the Petitioner is grossly and shockingly disproportionate to the charges

framed against him. Thus, I answer the points 1 and 2 accordingly.

11. In the result, an award is passed holding that the dismissal of Sri Y. Krishnakumar by the Management of Bank of Baroda, Chennai, is legal and justified. Hence, the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10th August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

DOCUMENTS MARKED :

For I Party|Workman :

Ex. No. Date Description

- W1 9-1-87—Xerox copy of the letter from the Management to the Petitioner.
- W2 14-1-87—Xerox copy of the letter from the Petitioner to the Management.
- W3 11-10-88—Xerox copy of the order of suspension.
- W4 8-12-88—Xerox copy of the charge memo.
- W5 19-8-89—Xerox copy of the Enquiry Report.
- W6 30-1-90—Xerox copy of the final order passed by the Disciplinary Authority.
- W7 21-5-90—Xerox copy of the order passed by the Appellate Authority.
- W8 10-9-91—Xerox copy of the letter from the Petitioner to the Management.

For the II Party|Management :

Ex. No. Date Description

- M1 7-5-86 —Xerox copy of Clearing Slips.
- M2 9-5-86—Xerox copy of letter of Chief Manager, Main Branch to the Manager, Service Branch, Madras.
- M3 14-6-86—Xerox copy of letter of Sr. Branch Manager of Bank of Baroda to Manager, Canara Bank, Abhiramapuram, Madras.
- M4 17-6-86—Xerox copy of the letter of Senior Manager, Canara Bank, Abhiramapuram to Bank of Baroda.
- M5 Nil --Xerox copy of the Clearing Slips.
- M6 11-6-86—Xerox copy of letter from Main Branch to Service Branch.
- M7 13-6-86—Xerox copy of letter of the Senior Branch Manager, Bank of Baroda to the Manager, Canara bank, Abhiramapuram.

- M8 14-6-86—Xerox copy of the letter of Senior Manager, Canara Bank, Abhiramapuram to Bank of Baroda, Service Branch.
- M9 18-6-86—Xerox copy of letter of the Senior Branch Manager, Bank of Baroda to the Manager, Andhra Bank, Madras.
- M10 19-6-86—Xerox copy of the letter of Manager, Andhra Bank, Madras to Manager, Bank of Baroda, Madras.
- M11 Nil —Xerox copy of the Cheque book issue register Folio 7.
- M12 31-1-86 —Xerox copy of sub-staff duty rotation register for February, 1986 and March, 1986.
- M13 9-1-97—Xerox copy of letter of Chief Manager, Main Branch to the Petitioner.
- M14 14-1-87—Xerox copy of letter from the Petitioner to the Management.
- M15 Nil —Xerox copy of the S. B. ledger Folios 66, 67 and 68 Pertaining to S. B. A/c. 11107 of the Petitioner.
- M16 22-6-86—Xerox copy of Cheque No. 877302 for Rs. 200.
- M17 28-1-86—Xerox copy of letter from the Petitioner to the Management.
- M18 1-3-86—Xerox copy of letter from the Chief Manager, Bank of Baroda to M. R. Prasad, Bank of Baroda, Madras Main Office.
- M19 18-2-89—Xerox copy of letter from the Petitioner to the Enquiry Officer.
- M20 7-12-99—Xerox copy of High Court Order in WP No. 13388 of 1992.
- M21 3-9-99—Xerox copy of circular to all Zonal/Regional and Disciplinary Authority by the Management.
- M22 17-2-94—Xerox copy of circular to all Disciplinary Authorities by the Vigilance Officer, Bank of Baroda.
- M23 15-2-99—Xerox copy of circular to all Zonal/Regional Authorities Disciplinary Authority issued by Bank of Baroda, Central Office, Mumbai.
- M24 15-2-89—Xerox copy of the enquiry proceedings.
- M25 22-12-89—Xerox copy of the Notice issued by the Disciplinary Authority.

नई दिल्ली, 30 अगस्त, 2001

का.आ. 2593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रारम्भ में, केन्द्रीय सरकार कारपोरेशन बैंक के प्रधान के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया/धम न्यायालय,

बेगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-08-01 को प्राप्त हुआ था।

[सं. एन-12012/192/93-आई आर (बी-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 30th August, 2001

S.O. 2593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workman, which was received by the Central Government on 30-8-2001.

[No. L-12012/192/93-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, "SHRAM SADAN", III MAIN, III CROSS, II PHASE, 1UMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated, 17th August, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C.R. No. 20/94

I PARTY

Shri T. K. Srinivasa Murthy,
R/o No. 129, T. PWD Qtrs. Road,
Hassan,
Karnataka,
Advocate—Shri V. S. Naik.

II PARTY

The Chairman,
Corporation Bank, Mangaladevi
Temple Road,
PB No. 88,
Mangalore-575001.
Advocate—Pradeep Sawkar.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. I-12012/192/93 IR(B II) dated 15th February, 1994 for adjudication on the following schedule:

SCHEDULE

“Whether the action of the management of Corporation Bank, Mangalore in removing Shri T. K. Srinivasa Murty, Clerk-cum-Cashier from service is justified? If not, what relief, is the workman entitled to?”

2. The first party was working with the Second party management and he was removed from service therefore, industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows:

5. The first party was appointed as a Cachier-cum-Clerk in the year 1979 and he worked at various places. He fell ill and he could not attend the office from July, 1988 onwards. He requested for grant of leave and immediately after recovering from his illness he went to assume office but the second party has not allowed him to do so. He made many representations but nothing happened. Enquiry was initiated by issuing charge memo, but no enquiry was conducted. The first party worked for about 9 years and he has no other source of income.

6. It is the further case of the first party that the management informed him that he has been removed from the services of the Second party by way of Voluntary Retirement as per Clause XVI of the Bipartite Settlement. The action of the management is not correct and the first party has prayed to pass award in his favour.

7. The case of the management in brief is as follows :

8. The main contention of the Second party is that the first party remained absent from duties since 22nd March, 1988 and had reported for duty on 25-3-88 and he remained absent from 26-3-88 and reported for duty on 28-6-88 and worked upto 1-7-88. From 2-7-88 onwards, the first party again remained absent unauthorisedly, in spite of clear instructions from the Second party from time to time, to resume duty. On 4-8-88 at about 10 AM Shri K. Prabhakar, Manager of Rajajinagar Branch, Bangalore along with Shri B. Balakrishnan, sub-staff visited the first party at his residence at Door No. 68, 80 Feet Road, First ‘N’ Block, Rajajinagar. On the same day itself the transfer order was sent to the first party by registered post and it was returned undelivered with the remarks “Always Absent”.

9. Again the second party was constrained to send Shri P. V. Mohan Shankar, Sub-Manager and Shri Syed Nazzer Ahmed, Sub-staff to the residence of the first party for delivering transfer order and the first party was very much available at his residence but refused to take delivery of the letters. The first party was advised to resume duty as stated in detail in the counter but the first party did not assume duty. The Second party waited upto 1-10-88 and the first party was asked to appear before the Bank’s Doctor but the first party remained absent unauthorisedly and therefore charge sheet is issued.

10. It is the further case of the management that after exhausting all reasonable and possible means to deliver the transfer order and relieving order to the first party, the bank issued a Notice at his last known address calling upon him to report for duty as per Clause 16 of the IV—Bipartite Settlement stating inter alia, the reason, for coming to the conclusion that the first party has no intention of joining duties. The said notice sent under Registered Post and it was returned with an endorsement “Always Door Locked”.

11. It is the further case of the management that after expiry of 30 days the Second Party came to know that the first party has no intention to continue the bank services and deemed to retire voluntarily from the Bank. The first party was voluntarily retired from service as per Clause 16 of Bipartite Settlement on 17-9-84. The Bank had followed the necessary procedure and details are given in the counter. The management for these reasons has prayed to reject the reference.

12. It is seen from the records that on behalf of the management MW1, MW2 and MW3 were examined. They have given detailed evidence against the workman. According to the evidence of 3 witnesses, the first party has refused to take transfer order and relieving order and he has remained unauthorisedly absent and did not produce any document regarding illness. There is no reason to discard the evidence of MW1 to MW3.

13. Against this the first party got examined himself and he stated that he applied leave from 1-7-88 as he was suffering from Jaundice and his father also died on 13-7-88. His leave was not sanctioned and he was not permitted to join duty.

14. He admits in his cross examination that his house is very close to Bank. He says that he does not remember if he remained absent from duty w.e.f. 22nd March, 1988 to 25th March, 1988. He also says that he has not attended duty on 2-7-88 onwards. This cross examination goes to show that he remained unauthorisedly absent for a long period.

15. First party also not produced any documentary evidence to prove his illness.

16. It was further argued by the learned counsel for the Second Party that in the instant case the first party unauthorisedly remained absent and as per Bipartite Settlement he deemed to have taken Voluntary Retirement and services come to an end.

17. It is clear from the records that the first party is not interested in working with the management. The learned counsel for the management has relied following decisions :

(i) 2000(5)SCC 65.

(ii) 1996 Lab. I.C. 754 (SC).

(iii) 1992 (11) BC 308 (Gujarat).

18. I have read the above decisions carefully. The record shows that the first party has refused to take notices.

19. Keeping in mind the principles held in 2000(5) SC cases 65, I am of the opinion that the management has proved service of notice and the first party

is deemed to have taken Voluntary Retirement. The action of the management in the given circumstances is correct.

20. In the instant case notice was sent to the given address and that the service is sufficient.

21. Taking all this into consideration I am of the opinion that the first party has failed to take notice intentionally and he remained unauthorisedly absent and the action of the management is correct. There is no merit in this dispute and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 17th August, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.अ. 2594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार का 03-09-01 को प्राप्त हुआ था, ।

[सं. एन-12025/10/90-प्राई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 4th September 2001

S.O. 2594.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Tribunal/Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 03-9-01.

[No. L-12025/10/90-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 182/90

Shri D. S. Raheel,
Secretary,
Central Bank of India,
Employees Union (Punjab),

81, Phase-II, Urban Estate,
Focal Point, Ludhiana.

... Union.

Vs.

Regional Manager,
Central Bank of India,
Queens Road, R.O. Civil Line,
Amritsar Punjab. ... Management.

For the workman.—None.

For the management.—Shri D. K. Chandha.

AWARD

(Passed on 14th of August, 2001)

The Central Govt. vide notification No. L-12025/10/90-IR(B.II) dated 23rd November 1990 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Central Bank of India in reverting Shri P. L. Saini head cashier to lower stage in time scale is justified? If not, to what relief is the workman entitled?”

2. None appeared on behalf of the workman despite several notices. Today the case was fixed for evidence of the workman. The workman has not filed any affidavit. The union is not putting appearance in this case for the last many dates. It appears that union is not interested to pursue with the present reference. In view of the above, since the union is not interested to pursue with the present reference, the same is returned to the Ministry for want of prosecution. Appropriate Govt. be informed.

Chandigarh

14-8-2001

B. L. JATAV, Presiding Officer

नई दिल्ली, 30 अगस्त, 2001

का.अ. 2595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 30-8-2001 को प्राप्त हुआ था ।

[सं. एन-12012/153/96-प्राई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th August, 2001

S.O. 2595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 30-8-2001.

[No. L-12012/153/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, "SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR
ROAD, YESHWANTHPUR, BANGALORE

Dated : 23rd August, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,
Presiding Officer, CGIT-Cum-Labour
Court, Bangalore.

C. R. No. 237/97

I PARTY :

Shri K. Gangadhar,
No. 7 A, 4th Main Road, Palace Guttahalli,
Bangalore-560003.
Advocate—Shri R. Nagendra Naik

II PARTY :

The General Manager,
Syndicate Bank,
Head Office,
Manipal-575003.
Advocate—Shri Ramesh Upadhyaya.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/153/96-IR(B-II) dated 10-5-1997 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Syndicate Bank is justified in dismissing Shri K. Gangadhar from service w.e.f. 3-4-1993? If not, to what relief the workman is entitled?"

2. The first party was working with the second party. First party committed misconduct and enquiry was held against him and on the basis of enquiry report first party was dismissed and therefore, industrial dispute is raised

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows:

5. First party was working as confirmed attender with the second party from 26-12-1984 and he worked under suspension as stated in the Claim Statement.

6. It is the further case of the first party that he was falsely implicated in the case of withdrawal of Rs. 50,000. In para 5, service conditions are stated. The allegations made against the first party are not correct. So far as the enquiry is concerned it is contended by the first party that reasonable opportunity was not given to defend himself. The order of dismissal is not correct. First party for these reasons has prayed to pass award in his favour.

7. The case of the Second party in brief is as follows :

8. The first party committed misconduct and charge sheet dated 15-11-91 was issued because he was doing acts prejudicial to the interest of the bank and the incident of Rs. 60,000 is given in detail in the counter. The enquiry was rightly initiated.

9. Regarding enquiry it is contended that full opportunity was given to the first party and report of the enquiry officer is correct and the action of the management is legal because the first party has misappropriated the amount and there is no merit in this dispute. Management for these reasons has prayed to rejected the reference.

10. It is seen from the records that on behalf of the management MW1 was examined who has given detailed evidence about the enquiry. Workman also got examined himself.

11. It is seen from the records that this tribunal by its order dated 30th June, 1999 has answered preliminary issue holding that the domestic enquiry is in accordance with law and fact. I have heard the arguments of the management. The counsel for the first party was not present.

12. This being the old matter, after giving sufficient time and after hearing management, case was posted for award.

13. Now that the enquiry is held as fair and proper, the first party has to convince that the report given by the enquiry officer is perverse and the action of the management is disproportionate and reference has to be allowed. The first party for the reasons best known to him has not convinced these aspects.

14. I have carefully perused the enquiry papers and I am of the opinion that the report of the enquiry officer is correct and the finding is based on the evidence and documents.

15. It was argued by the learned counsel for the management that in the instant case the first party has admitted the misconduct and the fact that the enquiry is held as fair and proper, this Tribunal has no discretion to take any lenient view and therefore, the reference has to be rejected in support of this arguments he relied following decisions, :

(i) 1965 (II)ILLI SC Page 153,

(ii) AIR 1997 SC 2249.

(iii) 1997 FJR SC 280.

(iv) 1983 FJR SC 417.

16. I have read the above decisions very carefully. Keeping in mind the principles held in the above decisions and finding of the enquiry officer, I am of the opinion that misconduct is proved and there are no reasonable grounds to hold that the finding is perverse.

17. Admittedly the first party was working in the Nationalised Bank and he has not worked honestly therefore, the action of the management is correct.

18. Taking all this into consideration, I am of the opinion that this reference has no merit and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 23rd August, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार न्यू इंडिया एश्योरंस को. लि. के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम विभाग, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-09-01 को प्राप्त हुआ था।

[सं. एल-17012/47/94-आई आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 3rd September, 2001

S.O. 2596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 03-09-2001.

[No. L-17012/47/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Monday, the 13th August, 2001

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

Industrial Dispute No. 385/2001

2863 GI/2001—14

(Tamil Nadu State Industrial Tribunal I.D. No. 12/95)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri K. S. Ravindran and the Management of New India Assurance Co. Ltd., Villupuram.)

BETWEEN

Shri K. S. Ravindran. . . I Party/Workman.

AND

The Branch Manager,
New India Assurance Co. Ltd.,
Villupuram. . . II Party/Management.

APPEARANCES:

For the Workman: M/s. D. Hariparanthaman,
and Ajoy Khose, Advocates.

For the Management: M/s. P. Sukumar and G.
V. Udayakumar, Advocates.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-17012/47/94/IR(B-II) dated 31-1-95/8-2-95.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 12/95. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 385/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 19-2-2001. On receipt of notice from this Tribunal, the counsel on either side were present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 24-07-2001, upon perusing the Claim Statement, Counter Statement, other material papers on record, upon perusing the documentary evidence let in on either side and upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows:—

“Whether the action of the Management of New India Assurance Co. Ltd., Villupuram in terminating the services of Shri K. S. Ravindran, Dev. Inspector w.e.f. 17-08-93 is legal and justified? If not, what relief is the said workman entitled to?”

2. The averments in the Claim Statement filed by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri K. S. Ravindran (hereinafter referred to as Petitioner) was deputed to work by the II Party Management, New India Assurance Co. Ltd., Villupuram (hereinafter referred to as Respondent) by an order dated 29-6-1983 after he underwent the training programme for Marketing in Insurance. He was made to work as Probationary Development Inspector in that branch of the Respondent by an order dated 29-8-83 w.e.f. 31-12-1983. He passed the Inspector examination for insurance conducted during October, 1983 by the Federation of Insurance Institute. The services of the Petitioner as Inspector Grade I was confirmed by the Respondent by an order dated 12-01-1985 w.e.f. 1-1-1985. Due to some personal reasons, the Petitioner was forced to take leave. The Respondent issued a charge memo dated 1-4-91 to the Petitioner for unauthorised leave. Subsequently by an order dated 21-6-1991 the Petitioner was given a warning letter. Thereafter also a number of memos were given to the Petitioner for his subsequent unauthorised absence for work. The Petitioner was issued a show cause notice dated 10-5-93 as to why his services should not be terminated. On filing an appeal by the Petitioner, the Respondent by a letter dated 9-6-93 recommended to the Senior Divisional Manager to continue the services of the Petitioner. The Regional Officer requested the Branch Manager by a letter dated 26-10-93 to furnish the details regarding non-payment of salary to the Petitioner. By another letter dated 15-11-93, a recommendation was made to release the salary withheld for the period of about two years. The Petitioner's services were illegally terminated without assigning any reason and without due compensation. So, the Petitioner was forced to raise an industrial dispute before the Assistant Labour Commissioner (Central). As it ended in a failure, the Government of India, have referred the dispute for adjudication. The termination of the services of the Petitioner on 17-8-93 is illegal, unjust and liable to be interfered by this Tribunal, since, the action of the Respondent is wholly arbitrary, violative of Articles 14, 16 and 21 of the Constitution and that the Respondent had not conducted any proper enquiry. The Petitioner was not given notice pay and compensation as required under Section 25F of the Industrial Disputes Act, 1947 and hence the order of termination is void, ab initio. Hence, an award may be passed holding that the termination of the services of the Petitioner is unjustified and consequently, direct the Respondent to reinstate the Petitioner in service with back wages, continuity of service and all other attendant benefits.

3. The averments in the Counter Statement of the Respondent/Management are briefly as follows :—

The Petitioner was governed by Development Staff Scheme, 1976 and also by General Insurance (Conduct, Discipline and Appeal) Rules, 1975, which deals with the service conditions of the employees working in GIC of India and its subsidiaries. According to the Development Staff Scheme, the Petitioner is supposed to complete the target set forth for him for each year of performance and also to be within the permissible costs as mentioned in the said Scheme. The Petitioner

has miserably failed to comply with the business target fixed on him and the Respondent has taken action against the Petitioner like reducing his pay scales so as to control his cost limits etc. as prescribed by the said Scheme and finally by giving warning letter to improve his performance. The Petitioner had not at all taken efforts to improve his performance as per the Scheme governed him and due to his own irresponsible attitude, his service was terminated and the same is as per law. The Petitioner was given memos to mend himself and to show progress to improve his business target. But he failed to correct himself and absented for duty unauthorisedly for more than 406 days during the period from 1987 to 1991. The Respondent has issued a show cause notice to the Petitioner and then a domestic enquiry was conducted. The Petitioner was given ample opportunity to defend himself in the domestic enquiry which was conducted according to the principles of natural justice. The Petitioner has pleaded guilty of the charges levelled against him and submitted that due to his marriage problem, he was unable to concentrate on his profession and the same put him to the extent of this level. The Enquiry Officer has submitted his findings in his report mentioning that the charges levelled against the Petitioner was proved. Therefore, the action against the Petitioner is legal and justified as per the Development Staff Scheme, 1977 and also by the General Insurance (Control, Discipline and Appeal) Rules, 1975. Hence, the Petition may be dismissed as it lacks bona fide.

4. The Petitioner has filed a rejoinder. The averments are briefly as follows :—

The Petitioner was not paid salary from 25-7-91 to 17-8-1993, though he performed his work. The Branch Manager wrote a letter to the Regional Manager for the continuation of the Petitioner in service. He has also written a letter about his best efforts and performance in achieving the target. In spite of his letter, the Petitioner was terminated from service, without issuing any show cause notice or conducting enquiry. No opportunity was given to him to explain and put forth his case. Therefore, the termination was illegal and against the principles of natural justice. The termination from service of the Petitioner was contrary to the said Scheme. On any account, the Petitioner cannot be terminated without notice. The petitioner has submitted leave application for all his leave and the same were sanctioned by the Management. Therefore, it cannot be termed as absence. The Petitioner had not admitted the allegations as charges were held proved. The period of leave was treated as leave on loss of pay. Further that was not the reason for terminating the services of the Petitioner. Therefore, the termination was wholly illegal and unjustified.

5. When the matter was taken up for enquiry, documents were marked by consent of the counsel on either side as Exs. W1 to W11 and Exs. M1 and M4. Later one document a copy of notice dated 6-8-1994 sent by the Petitioner to the Senior Divisional Manager of the Respondent/Management at Trichy was marked as Ex. W12 by consent. Then the learned counsel on either side have advanced their arguments.

6. The point for my consideration is—

“Whether the action of the Management of New India Assurance Co. Ltd., Villupuram in

terminating the services of Shri K. S. Ravindran, Dev. Inspector w.e.f. 17-08-93 is legal and justified? If not, what relief is the said workman entitled to?"

Point :—

The Petitioner Sri K. S. Ravindran was in service of the Respondent/New India Assurance Co. Ltd., at Villupuram Branch as Probationary Development Inspector with effect from 31-12-1983 after he underwent the due training in General Insurance Marketing as a pre-requisite for the appointment. Ex. W1 is the xerox copy of the letter dated 29-6-1983 sent to the Petitioner by the Respondent/Management informing him that he was provisionally selected to undergo the training. The Petitioner himself has admitted in the Claim Statement that due to certain personal reasons, he was forced to take leave and a number of memos were given to him and that for his unauthorised absence, a charge memo dated 1-4-1991 was given to him and subsequently he was given a warning letter dated 21-06-1991. It is also the contention of the Respondent in the Counter Statement that the Petitioner was given memos and warning letters and even then he had not taken efforts to improve his performance and that the Petitioner was unauthorisedly absent for duty for more than 406 days during the period from 1987 to 1991 and a show cause notice was issued to him. It is the admission of the Petitioner in the Claim Statement itself that he was issued a show cause notice dated 05/10-5-1993 as to why his services should not be terminated. A xerox copy of the same is Ex. W2. It is the contention of the Respondent in their Counter that the Petitioner was governed by Development Staff Scheme, 1976 and also by the General Insurance (Conduct, Discipline and Appeal) Rules, 1975 which deals with service conditions of the employees working in GIC of India and its subsidiaries and that according to the Development Staff Scheme the Petitioner is supposed to complete the target set forth for him for each year of performance and also to be within the permissible cost as mentioned in the said Scheme and that the Petitioner has miserably failed to comply with the said requirement fixed on him and hence, the Respondent has taken action against the Petitioner like reducing his pay scale so as to control his cost limits etc. as prescribed by the said Scheme. All these contentions have not been disputed by the Petitioner himself. Ex. M2 is the xerox copy of the General Insurance (Rationalisation of Pay Scales and other Conditions of Services of Development Staff) Scheme, 1976. Ex. M1 is the xerox copy of the Insurance Scheme—the General Insurance (Rationalisation of Pay Scales and other conditions of Services of Development Staff) Amendment Scheme, 1987. The fact that the Petitioner is bound by the terms of the Scheme under Exs. M1 and M2 so far as his service is concerned as Probationary Development Inspector as well as when he was confirmed in that post is not disputed. In pursuance of the show cause notice Ex. W2 issued to the Petitioner by the Respondent/Management, a domestic enquiry was conducted. It is the contention of the Respondent in their Counter Statement that the Petitioner has pleaded guilty of the charges levelled against him and submitted that due to his marriage problem, he was unable to concentrate on his profession. In

the Claim Petition also, the Petitioner has admitted that due to certain personal reasons, he was forced to take leave and he was issued charge memo by the Management for his unauthorised absence of work and he was given a number of memos, apart from warning letters prior to the issuance of show cause notice under Ex. W2.

7. The Respondent in their Counter Statement has clearly stated that after issuing the show cause notice a domestic enquiry was conducted for the charges levelled against him and the Petitioner was given ample opportunity to defend himself in the domestic enquiry and in that enquiry the Petitioner had pleaded guilty of charges levelled against him and that the domestic enquiry was conducted according to the principles of natural justice after giving fullest opportunity to the Petitioner in the enquiry. It is further averred in the Counter of the Respondent that the Enquiry Officer has submitted his findings in his report mentioned that the charges levelled against the Petitioner are proved. In the Claim Statement, the Petitioner has not whispered anything by alleging that no domestic enquiry was conducted, subsequent to issuance of the charge sheet under Ex. W2 to him. Only in the belated rejoinder filed by him after three and half years after filing the main Claim Statement, the Petitioner has raised a new plea stating that he was terminated from service without issuing any show cause notice or conducting enquiry and that without giving him opportunity to explain and put forth his case and hence, the termination was illegal and against the principles of natural justice. He has further contended in the belated rejoinder that the termination was contrary to the Scheme and that his termination from service without notice is wholly illegal and unjustified. For the first time in the rejoinder he would plea that he had submitted leave applications for all his leave and the same were sanctioned by the Management and therefore, it cannot be termed as unauthorised absence for work and he also denies the allegation that he admitted the charges. To substantiate this belated stand, no evidence either oral or documentary worth considering has been let in by the Petitioner in this case. So, these averments in the belated rejoinder of the Petitioner remains unsubstantiated besides being incorrect and opposed to facts available in this case by way of documents. Further, it is the definite plea of the Respondent in the Counter that the Petitioner was unauthorisedly absent for duty for more than 406 days during the period from 1987 to 1991. The Petitioner in rejoinder has not said anything denying this plea as incorrect. As per clause 11(3) of the General Insurance (Rationalisation of pay scales and other conditions of service of Development Staff) Scheme, 1976, the emoluments of a person are reduced including his basic pay as Development Staff who is operating on a cost ratio which exceeds the stipulated limits and to such reduction for three consecutive years, the services of such a person shall be liable to be terminated. Ex. M3 is letter dated 18-4-88 sent by the Divisional Manager to the Petitioner, wherein the Petitioner was informed by the Management that his request for loss of pay has been kept pending final disposal, as it has been referred to the Regional Office. Under letter dated 19-1-89 the Management has informed the Petitioner about his business performance stating that the same is not upto the expectation

of the Management and as per the target fixed by the Respondent and that he has failed to promote a good business and since he has exhausted all the leave and also suffered loss of pay as detailed therein, he cannot be granted further leave as requested. The same has been admitted by the Petitioner in his reply dated 30-1-89 and he further admitted in that reply that due to his ill health and increasing matrimonial life he could not achieve his target. Further he has stated therein that he assured to achieve the target fixed and compensate the last year's deficiency premium. By a letter dated 24-9-90 the Petitioner has requested the Management to grant him five months leave on loss of pay from 25-9-90 to 24-2-91. For this, the Management has sent him a reply dated 10-1-91 stating that as per rules, leave on loss of pay can be granted for a maximum of 180 days and hence his request for leave on loss of pay upto 24-2-91 cannot be considered and he was advised to report for duty immediately. Because of his irregularity in attendance, a charge memo dated 1-4-91 was issued to the Petitioner alleging that his unauthorized absence from duty amounts to gross misconduct under Rule 30 and such continuous absent for more than 90 days amounts to abandonment of post. Subsequently, by a letter dated 21-6-91, the Assistant General Manager gave a final warning letter and directed the Petitioner to improve his performance. In spite of all these things as the Petitioner could not improve his performance, the Management had decided to hold a domestic enquiry for the charges of irregularity in attendance of the Petitioner for duty as levelled against him in charge memo dated 1-4-91. Accordingly an order dated 2-8-91 was passed by the Management appointing an Enquiry Officer to conduct an enquiry against the Petitioner. In that domestic enquiry, the Presenting Officer filed a report about the irregular attendance for duty by the Petitioner and his absence for duty without obtaining permission or leave. In that report, the Presenting Officer has also stated that the Petitioner has not reported for duty even after his leave was refused, besides, the Petitioner also has not done enough business. The Enquiry Officer has submitted his report dated 16-12-91. It is seen from the enquiry report the Petitioner as charge sheeted employee, has taken part in the enquiry along with his defence assistant. But he has not cross examined the only witness Assistant Branch Manager of Villopuram Branch for the management. The charge sheeted employee was given ample opportunity to defend himself in the enquiry. After considering the materials and evidence placed before him, the Enquiry Officer has given a finding in his report that the charge sheeted employee has remained unauthorisedly absent for a period as mentioned by the Management and his business performance also was very poor since, 1984 and has concluded that all the charges levelled against the charge sheeted employee, the Petitioner herein have been proved. So from this it is evident that a proper enquiry was conducted, wherein the Petitioner as delinquent employee has taken part and on the findings given by the Enquiry Officer in his report Ex. W6 termination order was issued by the Management. Subsequent to the issuance of notice of termination to the Petitioner, the appeal dated 3-6-93 filed by the Petitioner was duly considered by the Appeals Committee. In that termination order no reason has

been given and hence, there is no stigma attached to the Petitioner in that termination order. From all these facts available by way of records. It is seen that the contention of the Petitioner in his belated rejoinder that no enquiry was conducted after the issuance of charge memo to the Petitioner and the Petitioner was not given sufficient opportunity to explain his stand as defence for the charges levelled against him in the charge memo. It is not the contention of the learned counsel for the Petitioner that the records filed in this case by the Respondent in respect of the domestic enquiry conducted by the officer appointed by the Respondent and the filing of his report are all documents created by the Respondent/Management only for the purpose of this case. Further, the documentary evidence available as a letter submitted by the Petitioner for the charge memo issued against him admitting his guilt clearly belies the belated stand taken by the Petitioner in his rejoinder.

8. Under Clause 10 of the appointment order dated 24-3-84 given to the Petitioner, it is stated that his appointment is and shall be subject to the rules and regulations as may be in force from time to time and shall also be governed by such instructions/order as may be issued to him orally or in writing. Under Clause (g) of Schedule A, duties and functions of the Petitioner attached to the appointment order, it is stated as follows :—

“You shall report on every working day to the office of the company wherever there is such an office and sign such muster roll as may be maintained for the Inspectors. If you fail to call at the company's office and to sign the muster roll on any day without any satisfactory explanation for the same, you will be treated as absent. If you fail to attend the office and to sign the muster roll for any reason whatsoever, without permission for a continuous period of ten days or more, your services will automatically stand terminated from initial date of such absence, even if you have been confirmed in the company's service.”

So far as his performance of business as Development Officer under Clause (1) of Schedule A to the appointment order, it is mentioned about the quantum of business he has to put in the first year. It is further stated in that clause that he has to do the business for such premium income of subsequent years as has been fixed for his unit by the Management from year to year, with a default clause stating that if he fails to complete the premium expected from him in a particular year his services will be liable to be terminated at one month's notice or salary in lieu thereof, unless the company finds that there are many extenuating circumstances and the Management's decision in this respect will be final and binding on him.” So, from this it is evident that subject to these conditions in these clauses, he has been given appointment in the Respondent/Management Insurance Company as a Development Inspector. It is seen from the copy of the appointment order that the Petitioner has put his signature on 7-4-84 stating that he has agreed to the terms and conditions stated therein and accepted that appointment. So from all these things, it is seen that the Petitioner as Development Inspector in

the Respondent's Insurance Company has not shown progress in developing the insurance business, as expected by the company but the records show for seven years consequently he has done business of Rs. 1.5 lakhs only. From the available records, it is seen that after giving full opportunity, the Petitioner has been terminated from service, in accordance with the terms and conditions mentioned in the appointment order. In Ex. W6 termination order, it is stated that his services have been terminated under para 11 of the Scheme.

9. It is the contention of the learned counsel for the Petitioner that the order of termination given to the Petitioner is stigmatic and punitive on the ground of unsatisfactory performance of the work by the Petitioner and the termination of service without holding any enquiry and without giving opportunity of hearing the employee amounts to violation of principles of natural justice. The learned counsel has cited a case reported as 2000 (3) SCC 240. It is the case of a Probationer and in the termination order it is stated that the workman had failed in the performance of his duties administratively and technically. That was held to be a stigmatic order of termination by the Supreme Court. But here in this case, the order of termination issued to the Petitioner has not given any reason for the termination. Further, the Petitioner was not a probationer while he was terminated from service. So, the said decision of the Supreme Court is not applicable to the facts of this case. The other decisions cited by the learned counsel for the Petitioner also not applicable to the present facts of this case. Since the Petitioner has not shown any progress in his performance of work as a Development inspector in the Insurance Company, as per his accepted terms and conditions in the appointment order, he was liable for termination from service by the Management. So, it cannot be considered as a punitive order of termination passed by the Management. Further, from the records available in this case, it is seen that an enquiry was conducted wherein the Petitioner as charge sheeted employee was given sufficient opportunity to put forth his defence and he has also took part in the enquiry along with a defence assistant. On the basis of the admission of the Petitioner in his reply letter to the charge memo and also on the basis of the evidence let in before the Enquiry Officer both oral and documentary by the Respondent/Management, the Enquiry Officer has found that the charges levelled against the delinquent employee have been proved and he gave a finding to that effect in his report. On the basis of the findings of the Enquiry Officer in his report only. The Management has issued the termination order to the Petitioner. So, it cannot be said that it is a violation of principles of natural justice and the order of termination of service issued by the Respondent/Management against the Petitioner is illegal and unjust. Thus, I answer the point accordingly.

10. In the result, an award is passed holding that the action of the Management of New India Assurance Co. Ltd., Villupuram in terminating the services of Sri K. S. Ravindran, Development Inspector with effect from 17-8-1993 is legal and justified. Hence the concerned workman is not entitled to any relief. No cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 13th August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

DOCUMENTS MARKED :

For I Party/Workman :

Ex. No.	Date	Description
W1	29-6-83	Xerox copy of the letter from the Management to the Petitioner.
W2	5-5-93	Xerox copy of the letter from the Management to the Petitioner.
W3	3-6-93	Xerox copy of the letter from the Petitioner to the Management.
W4	9-6-93	Xerox copy of the letter from the Petitioner to the Management.
W5	9-6-93	Xerox copy of the letter from the Management to the Sr. Divisional Manager, Trichy.
W6	Nil	Xerox copy of the letter from the Management to the Petitioner.
W7	17-8-93	Xerox copy of the letter from the Petitioner to the Management.
W8	26-10-93	Xerox copy of the letter from the Regional Office to the Divisional Office.
W9	30-11-93	Xerox copy of the letter from the Regional Office to the Divisional Office.
W10	24-2-94	Xerox copy of lawyer's notice sent to the Respondent on behalf of the I Party.
W11	11-7-94	Xerox copy of the letter from Sr. Divisional Manager to the Petitioner along with O.D.
W12	6-8-94	Xerox copy of the letter from the Petitioner to the Management.

For the II Party/Management :

Ex. No.	Date	Description
M1	13-2-87	Xerox copy of notification of insurance scheme.
M2	29-4-76	Xerox copy of the General Scheme of Insurance.
M3	18-4-88	Xerox copy of letter from the Management to the Petitioner.
M4	19-1-89	Xerox copy of letter from the Management to the Petitioner.

सई दिनांक, ११ सितम्बर, २००१

का.अ. 2597.— औद्योगिक दिवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अधुषरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध शिरोजकी और उनके कर्मकारों के बीच, अधुषत्र में निदिष्ट औद्योगिक दिवाद में केन्द्रीय सरकार औद्योगिक अधिारण/धम संधानन, चण्डी-गढ़ के पंचाट को प्रकणित करती है, जो केन्द्रीय सरकार की 03-09-2001 को प्राप्त हुआ था।

[सं. एन-12012/467/86-डी-II (ए)]

जी. गंगधरण, अवर सचिव

New Delhi, 4th September, 2001

S.O. 597. In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 03-9-2001.

[सं. एन-12012/467/86-DI(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

Before Shri B. L. Jatav, Presiding Officer

Central Govt. Industrial Tribunal-cum-Labour Court,
Chandigarh.

Case No. ID 29/89 D. K. Gupta,
Cashier-cum-clerk,
represented by All India Dena
Bank Staff Federation and Punjab
Bank Employees Congress, Head
Office, Ludhiana.
.. Workman.
Vs.

1. Dena Bank, Central Post
Office Road Ludhiana,
through its Manager.
2. Dena Bank, Regional Office,
Keltron Chambers, 2nd Floor,
18/7-8, Arya Samaj Road,
Karol Bagh, New Delhi.
.. Management.

APPEARANCES

For the workman : Shri T.C. Sharma.

For the management : Shri Ashok Jagga

AWARD

(Passed on 10th of August 2001)

The workman has filed an application U/S 33-A of the Industrial Dispute Act, 1947, which has been treated and registered as industrial dispute by this

Tribunal. This application is being disposed off finally by passing the present order.

2. The case of the workman in brief is that the management had imposed the penalty of stoppage of two annual increments with cumulative effect upon him and transferred him from Ludhiana to Pathankot. Therefore, the workman raised an industrial dispute before A.L.C(C) Chandigarh vide his letter dated 2nd June 1986. The A.L.C(C) issued notice to the management and the management filed its reply alleging therein false grounds. The conciliation proceedings were held by A.L.C(C) who submitted the report of failure of conciliation proceedings to Govt. of India, Ministry of Labour New Delhi vide his report dated 6-10-1986. The Central Govt. referred the industrial dispute to this Tribunal for adjudication, which has been registered as reference No. ID 62 of 1987.

3. It has been alleged in the complaint that the management acted in arbitrary manner and ignoring the provisions of law, issued a memorandum dated 20-5-1987 causing threat to the workman that in case he did not report for duty and submit a satisfactory reply within 30 days, the consequences will follow as detailed in 4th Bipartite Settlement dated 17-9-1984. The workman submitted his reply requesting the management to allow him to resume duty at Ludhiana but the management arbitrarily and illegally issued a letter dated 29-7-1987 stating therein that they were treating that the workman had abandoned the job of his own. This letter was replied by the workman but the management did not consider his reply and issued a letter dated 19-11-1987 stating therein that the workman had been treated as voluntarily retired. Thus the management has violated the provisions of Section 33 of the I.D. Act, 1947 during the pendency of I.D. 62 of 1987. Therefore, the order passed by the management are liable to be quashed. The said order be quashed and allow the workman to resume duty at Ludhiana. The cost of the proceedings may also be awarded to the workman.

4. The management has filed its written reply alleging that the service conditions of the workman have not been changed by the management. He was transferred from Ludhiana to Pathankot Branch in the interest of bank business but he refused to join his duties at Pathankot. The workman did not obey the orders of the management and he acted in defiance of the lawful orders issued by the management by insisting on his retention at Ludhiana branch. He remained absent from duty and he did not submit leave applications for sanction and to regularise his absence. The notices were issued to the workman to join his duties but he did not join his duty at Pathankot. Under these circumstances

the management was compelled to issue notice dated 20-5-1987 to the workman about the voluntary cessation of employment after expiry of 90 days from the relieving of workman from Ludhiana branch on 4-6-1986. In this notice again the period of 30 days was given to him for reporting on duty at Pathankot but the workman did not join duty there. Therefore, the management issued final order dated 19-7-1987 of voluntary cessation of employment by the workman. Under these circumstances the complaint filed by the workman under Section 33-A is not maintainable which may be dismissed in the interest of maintaining discipline in the banking industry.

5. The workman has filed rejoinder reasserting the facts already alleged in the complaint.

6. In this case the admitted facts are that the management had imposed the penalty of stoppage of increments and the workman was transferred from Ludhiana to Pathankot. It is also an admitted fact that the industrial dispute was raised by the workman before A.L.C. (C), Chandigarh and the conciliation proceedings resulted in failure report to Appropriate Govt. The appropriate Govt. has referred the dispute to this Tribunal which has been registered as I.D. No. 62/87.

7. The workman has submitted his affidavit Ex. W1 and the documents Ex. W2 to W12. The management has submitted the affidavit of Amar Singh which is Ex. M15 and the affidavit Ex. M16 of Shri R. V. Kalgavankar. Besides these affidavits the documents Ex. M1 to M14 have been submitted by the management.

8. In this case the material facts are admitted facts which are essential to decide the complaint. The first point for consideration is that whether the services of the workman were treated as abandonment of job during the pendency of any proceedings before this Tribunal. It is an admitted fact that the conciliation officer submitted the report of failure of conciliation proceedings to appropriate Govt. vide his report dated 6-10-1986 which is Ex. W13. These conciliation proceedings relates to the stoppage of two annual increments with cumulative effect of the workman. This punishment was awarded by the management after the departmental enquiry which was held for the alleged misconduct of the workman. The reference order No. L-12012/467/86-D-II(A) dated 18-8-1987 was passed by the appropriate Govt. on 18-8-1987 which was registered in this Tribunal on 25-8-1987 as I.D. No. 62/87. The management issued the letter dated 20-5-1987 Ex. W2 directing the workman to join his duties at Pathankot Branch within 30 days of the notice. But the workman did not join duties at Pathankot and submitted his reply vide his letter dated 26-5-1987

which has been exhibited as Ex. W3. The management issued another memorandum dated 29-7-1987 Ex. W6 which was received by the workman on 7-8-1987. He replied on 8-8-1987 insisting upon the management to retain him at Ludhiana. The workman did not join his duties at Pathankot. Thus it is evident that the workman was treated as voluntarily retired from service after 6-10-1986 and prior to 18-8-1987, vide letter dated 29-7-1987 (Ex. W6). Under these circumstances it can not be held that during the pendency of any proceedings before this Tribunal the order dated 29-7-1987 Ex. W6 was issued by the management. Therefore, the complaint U/S 33-A is not maintainable.

9. The appropriate Govt. has referred the industrial dispute to this Tribunal for adjudication which relates to the penalty of stoppage of two annual increments with cumulative effect. This penalty was imposed for the misconduct of the workman. The management has treated the workman that he had abandoned his job on his own violation. Therefore, the action taken by the management is not connected with the industrial dispute which is pending before this Tribunal. Therefore, the permission for taking alleged action is not required in this case. When the alleged action is not connected with the main reference the management can not be held liable to be held responsible for the contravention of Section 33 of the Industrial Disputes Act, 1947.

10. Both the parties have cross-examined the witnesses of each other. But in this case all the material facts are admitted therefore it is not necessary to discuss their testimony. Other documents filed by both the parties are not material for unfolding the real controversy between the parties.

11. Taking into consideration the discussion made in preceding paragraphs the complaint filed by the workman is not maintainable. Therefore, it is dismissed with no relief. Both the parties shall bear their own cost of these proceedings. Appropriate Govt. be informed.

Chandigarh.

B. L. JATAV, Presiding Officer
10-8-2001.

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्डिनेंस फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-14011/5/91-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2598.—In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ordnance Factory and their workman which was received by the Central Government on 3-9-2001.

[No. L-14011/5/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

CASE NO. CGIT/LC/R/45/92

PRESIDING OFFICER : SHRI K. M. RAI

Shri Rakesh Kumar Verma and others.

C/o. General Secretary,

Mazdoor Sangh,

Type A/1/1,

East Land Estate,

Ordnance Factory,

Katni.

.. Applicant.

Versus

General Manager,

Ordnance Factory,

Katni.

.. Non-applicant.

AWARD

Passed on this 3rd day of July, 2001

1. The Government of India, Ministry of Labour vide order No. L-14011/5/91-IR/ DU dated 4-3-92 has referred the following dispute for adjudication by this tribunal :—

“Whether the management of Ordnance Factory, Katni Distt. Jabalpur is justified in not promoting and regularising Shri Rakesh Kumar Verma, Mahendra Pratap Singh, Vijay Kumar Shivhare, Sheikh Mustak, Vijay Shankar Shukla, Prakash Kumar Srivastav, Yashpal Singh, Balram Prasad Upadhyaya and G. Toppoo Ticket sorters since 1980-81 to the post of Lower Division Clerk ? If not, what relief they are entitled to ?”

2. The case for the workmen is that the applicant Union is a trade Union registered under the provisions of Indian Trade Union Act, 1926 bearing its registration No. 2754. The Union is legally competent to represent the case of workmen who were employed to the post of ticket sorters by the management vide order dated 31-10-80. This recruitment was made for the post of LDC after conducting the written test followed by interview. The workman appeared in the written test and came out successfully for the appointment to the post of LDC. Subsequently the management employed them on the post of ticket sorters for which the minimum required qualification is Higher Secondary. For the post of ticket sorter, there is no condition for appearing in the test and interview.

The test and interview are taken only for clerical staff. Instead of giving appointment to the post of LDC, they were employed as ticket sorters. They were informed by the management to join the post of ticket sorters with a condition that if they failed to join the said post, their appointment orders would be cancelled. In such a circumstance, the workman had no alternative but to join the post of ticket sorter.

3. The workmen further allege that the job assigned to the ticket sorter is as under :—

“A workman able to identify English letters and figures and sort out metal tokens, passes etc. and hand them on Boards serially or as required.”

Initially they were given the pay scale of Rs. 196-232 w.e.f. 1-1-86 which was subsequently revised as per recommendation of the IVth Pay Commission. They were performing the duty of LDC since Oct. 1980 though they were given the appointment as ticket sorters and therefore they are entitled to be absorbed in the post of LDC or they should be promoted as LDC. Since Oct. 1980 they are performing the duty of LDC and therefore they are entitled to promotion as LDC. The duties which they are performing are as under :—

- (i) Day to day basic attendance based on mustering IN/OUT and casualty report submitted in time office by the various sections/shops.
- (ii) Booking of casual overtime/systematic overtime on receipt of section of the competent authority.

- (iii) Endorsement of annual increment, leave and accident leave on receipt of unauthorised documents.
- (iv) Calculation of late arrival time while mustering IN/OUT deduction of sort/petty leave period day to day basis and endorsement thereof.
- (v) Calculation totaling of whole month working at the end of month for the purpose of payment calculation.
- (vi) Calculation of casual/systematic overtime performed by the each individuals in the particular month for the purpose of payment.

4. The workmen further contend that they are continuously performing the duty of clerk and therefore they are entitled for absorption/promotion/regularisation to the post of LDC. In spite of repeated request, the management has refused to promote them as LDC. To frustrate the claim of the workman, the General Manager of the Ordnance Factory has illegally and without the approval of the Ordnance Factory Board amended the job specification of ticket sorters and circulated among the workers. This amended job specification is meaningless as it has been passed without jurisdiction. The management has promoted some of ticket sorters as LDC and they have been regularised also. The workmen are performing the duty of LDC and therefore they are entitled to promotion as LDC with other consequential benefits. The management has illegally refused their request in this connection. A suitable order in this connection is therefore solicited.

5. The case for the management is that the applicant Union has not been recognised by the management. The workmen were not recruited for the post of LDC but they were recruited after written test and interview for the post of ticket sorter only. They qualified in the written test and interview and therefore they were selected for the post of ticket sorter. The job specification submitted by the workmen does not bear any date. The job specification relied by the management is Annexure A-I which shows that the work involved is identical with the actual work being carried out by the workman. It is wrong to say that for the ticket sorters there is no condition for appearing in the test and interview. The workmen are performing the duty of ticket sorter only and not that of LDC

as alleged by them. They are not entitled to promotion for regularisation as LDC. In view of this fact, they are not entitled to any relief as claimed by them.

6. Following issues arise for decision in this case :—

1. Whether the workmen are entitled to promotion and regularisation as LDC ?

2. Relief and costs ?

7. Issue No. 1.—The workmen had claimed that initially they were called for interview to fulfill the vacancy of the post of LDC in Ordnance Factory, Katni. The vacancy for clerk was notified for which they had submitted their applications. They were declared successful in the interview. Instead of giving appointment to the post of LDC, they were employed as ticket sorters in the year 1980. After getting the appointment orders, they joined their duty and performed the duty of LDC though they were appointed as ticket sorters. They are continuously performing the duty of LDC since the date of their appointment as ticket sorter and therefore they are entitled to be promoted as LDC.

8. The workmen have not filed the copy of notifications to show that the vacancy for LDCs were notified and they had applied for this post. In the absence of this document, it will not be proper to hold that the workmen had actually applied for the post of LDC and after being successful in the test, they were given the appointment to lower post of ticket sorter by the management. The burden was on the workmen to prove that they had applied for the substantive post of LDC only. They have failed to prove it.

9. The management has filed the copy of letter dated 8-2-99 (M.I) addressed to the employment Officer, Employment Exchange, Katni for recruitment of ticket sorters. The employment officer was requested to submit the list of the candidates to fill up the vacancies of ticket sorters as per notification. This document has not been challenged by the workmen. The contents of this document go to show that the vacancy of ticket sorter were notified and after the selection of the candidates, the appointment letters for filling up the vacancy of the ticket sorter were issued. The vacancy of LDC was never notified nor any test was conducted for the same. The

contention of the workmen is therefore belied by this documentary evidence. The workmen have not filed any copy of the notification to show that they were interviewed for the post of LDC in the year 1980. On this basis, their claim for promotion cannot be held to be justified.

10. The copy of job specification (Ex. M. II) has been filed by the management to show that the ticket sorters are not a skilled labour. This fact also gets support from the statement of office supdt. of the management Shri K. D. Sahu. He has stated that the ticket sorters had been clubbed with unskilled labour.

11. For getting promotion as LDC, the workmen has to undergo the test as per rules and after being successful in the test, the promotion order is issued. In the present case, the workmen has not been able to show that he cleared the test for getting promotion as LDC. Without clearing this test, no worker can claim any promotion as a matter of right. The workmen have not been able to show any statutory rules to prove that they are entitled to get automatic promotion as LDC because of their length of service as ticket sorters. They cannot get in the absence of such rules, get automatic promotion as LDC. They must face the test for getting promotion failing which they will not be entitled to be promoted as claimed. The workmen who cleared this test were given promotion as per rules. It cannot be said that the management has discriminated in giving promotion to the workers who were successful in the test for the said purpose. The workmen therefore cannot get any benefit of the argument that some ticket sorters have been promoted and they had not been considered for the same.

12. In view of the foregoing discussions, it is held that the workmen were basically appointed as ticket sorters in terms of the notification. They never appeared in the test for filling the vacancy of LDC as claimed by them. They have neither appeared nor cleared the test as LDC as per rules and therefore they cannot claim the promotion as a matter of right. Issue No. 1 is answered accordingly.

13. Issue No. 2.—In view of my finding given on issue no. 1, the workmen are not entitled to promotion as LDC as claimed by them. They are not entitled to any relief as

claimed in this case. The reference is accordingly answered in favour of the management and against the workmen.

14. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गन मैग्जि फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के त्वाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एन-14012/8/94-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Gun Carriage Factory and their workman, which was received by the Central Government on 3-9-2001.

[No. L-14012/8/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/161/95

Presiding Officer : Shri K.M. Rai.

Shri A.R. Tiwari,

Secretary,

Vehicle Factory Workers Union,

C/o Sadashiv Dubey

Chargeman 2, Project Cell,

Gun Carriage Factory,

Jabalpur

Applicant.

Versus

The General Manager,

Gun Carriage Factory,

Jabalpur

Non-applicant.

AWARD

Passed on this 1st day of August, 2001

1. The Government of India, Ministry of Labour vide order No. L-14012/8/94-IR/161/95 dated 17-8-1995 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management Gun Carriage Factory, Jabalpur in terminating the services of Shri Sadashiv Dubey, chargeman II w.e.f. 4-7-1972 and then appointing him as a fresh candidate from 31-12-1980, resulting in break in service from 4-7-1972 to 31-12-1980, is legal and justified? If not, to what relief the workman is entitled to?”

2. The parties do not want to adduce any evidence in support of their case. They closed their respective case.

3. From the perusal of the record, it appears that the Departmental Enquiry papers are not available with the

management. The workman admittedly got re-employment with effect from 31-12-1980. Initially he was appointed on 18-5-1962 by the management and remained in continuous service till 4-7-1972 i.e. the date of termination. From the action of the management, it appears that the workman did not commit any serious misconduct and therefore he was thought fit to be reemployed w.e.f. 31-12-1980. At the same time the management has failed to prove that a proper and legal Departmental Enquiry was conducted against him. Further the workman has retired from service w.e.f. May, 1994. Taking all these facts into consideration, I think it proper that the absence of workman from service w.e.f. July 1972 till 31-12-1980 be treated as continuous service only for the purpose of pensionary benefits. The workman shall not be entitled to back wages for the said period.

4. In the light of the foregoing reasons, it is held that the workman shall be deemed to be in continuous service w.e.f. 1-7-1972 to 31-12-1980 for the purposes of pensionary benefits only. The workman shall not be entitled to any back wages for the said period. The management shall pay the pensionary benefits available to him within the period of 6 months as per rule.

5. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.अ. 2600.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 3-9-2001 को प्राप्त हुआ था।

[सं. एन-14012/25/97-प्रार्थ.आर. (डी.यु.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2600.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman which was received by the Central Government on 3-9-2001.

[No. L-14012/25 97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT

“SHRAM SADAN”,

III MAIN, III CROSS, II PHASE, TUMKUR
ROAD YESHWANTHPUR, BANGALORE

Dated : 24th August, 2001

PRESENT :

Hon'ble V. N. Kulkarni, B. Com. LLB,
Presiding Officer

CGIT-CUM-LABOUR COURT,
BANGALORE

C.R. No. 51/98

I PARTY

Shri Shivananja,
Bommenahalli Village,
Tiyagatur Post,
Gubbi Taluk,
Tumkur District,
Advocate—Shri P. G. Siddesh.

II PARTY

The Management,
Military Farm,
Hebbal,
Bangalore-560024,
Advocate—Shri V. P. Kulkarni.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-14012/25/97-IR(DU) dated 28-5-1998 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Military Farm, Bangalore is justified in terminating the services of Shri Shivananja. If so, to what relief Shri Shivananja. If so, to what relief

2. The First party was working with the Second Party in the Farm House at Hebbal. He was dismissed from service and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party is that he was appointed by the Second Party as Gawala in the farm of the second party on 1-6-1983. Earlier to this appointment also he was working with the second party for some time. He worked sincerely and to the satisfaction of the management. The management without issuing any notice terminated the services of the first party on 26-10-1988 which is not correct.

5. It is the further case of the first party that on earlier occasions when he was terminated he requested for regularisation and he was regularised. After conciliation proceedings again he was regularised. The Second Party deliberately and intentionally in order to harass the first party terminated his service very often for no reason. He is depending on his job and the entire family is starving for their livelihood. First party for these reasons has prayed to pass award in his favour.

6. The case of the second party in brief is as follows :

7. The first party was appointed as daily rated casual labourer whenever there was work.

8. It is further stated that on 26-10-88 the first party left the job without intimating the second party on his own accord. He subsequently approached the Labour Commissioner for conciliation and the management agreed to take him on duty and he worked from 5-8-1989. He again came back to work on 2-11-1989 and got his 17 days wages. He was instructed not to remain absent but he did not report to duty. After the lapse of 5 years and 8 months he again approached the Labour Commissioner and the allegations that the Second Party used to terminate his services very often is false. The first party himself voluntarily stopped coming to work. The first party has made all false allegations. The dispute is not an industrial dispute as stated in para 2 of the Counter. He has worked as only a casual labourer and he has not worked for more than 240 days continuously and therefore the second party has prayed to reject the reference.

9. It is seen from the records that the management remained absent even after giving adjournments. The management has not examined any witnesses. First party got examined himself as WW1.

10. According to the evidence he says that he has worked for 5 years. His father was also working with the management. He was removed on 3 occasions and again he was regularised. He had given detailed dates. He is not cross examined by the management because the management remained absent. There is no reason to discard his evidence. The first party has filed Ex. W1 and Ex. W2.

11. It is clear from the records that the management removed him and thereafter reinstated on 2 or 3 occasions. It is not proved by the management that the first party remained absent and left job on his own accord as alleged by the management.

12. It was argued by the learned counsel for the first party that the first party has worked for more than 5 years and this proved from the records. The order of termination without any enquiry, charge sheet or compensation is not correct and in support of this argument he relied the following 2 citations :

(i) JT 2000 (3) SC Page 1

(ii) JT 2000 (9) SC page 457

13. I have read the decisions carefully. Keeping in mind the principles held in the above decisions and the evidence of the workman I am of the opinion that the order of termination is not correct and this dispute has merit. Accordingly proceed to pass the following Order :

ORDER

The reference is partly allowed. The order of termination is set aside and the management is directed to reinstate the first party from the date of termination with continuity of service. In the given circumstances no backwages are given.

(Dictated to PA transcribed her corrected and signed by me on 24th August, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार आईनैम फैक्ट्री के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एन-14012/83/91—आई.आर. (जी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Disputes between the employers in relation to the management of Ordnance

Factory and their workman which was received by the Central Government on 3-9-2001.

[No. L-14012 83 91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R 182/91

Shri K. M. RAI, Presiding Officer

Shri O. P. Yadav, President,
Ordnance Labour Union, Khamaria,
C/o. Shri Rajkumar Sonkar,
C/o. Shri Munnu Lal Hansraj Shankar,
Ghamapur Chowk,
Khatik Mohalla,
Jabalpur. Applicant.

Versus

The General Manager,
Ordnance Factory,
Khamaria,
Jabalpur.

AWARD

Passed on this 1st day of August, 2001

1. The Government of India, Ministry of Labour vide order No. L-14012/83/91-IR-DU dated 22-11-91 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Ordnance Factory Khamaria Jabalpur in terminating the services of Shri Rajkumar Ex. O.F.K. T. No. Q. C/4/69 w.e.f. 5-8-90 is justified? If not, to what relief is the workman entitled?”

2. The case for the workman Shri Rajkumar is that he was employed as fitter (instruments) by the General Manager, Ordnance Factory, Khamaria Jabalpur. During the course of his employment, he was served with a chargesheet dated 28-5-88 by the management for attempted theft of Govt. material from the possession of the management. The workman denied all the charges levelled against him. The management was not satisfied with the explanation and consequently the DE was conducted against him for the said misconduct. The enquiry Officer conducted the enquiry in violation of the principles of natural justice.

On the basis of records, the charge was not proved against him and even then the Enquiry Officer gave a perverse finding holding the charges proved against him. The management had failed to produce relevant material to prove the alleged misconduct against the workman during the enquiry proceedings. The Disciplinary Authority wrongly accepted the report of the Enquiry Officer and terminated the services of the workman illegally w.e.f. 5-8-90. The termination order therefore deserves to be quashed and the workman's widow Meera Rai is entitled to receive the monetary benefits from the management.

3. The case for the management is that the workman Rajkumar was apprehended while he was trying to go out of A-4 section of Factory premises along with fuse 117 brass shutters blank kept in a Navy blue cotton bag which was kept in a strap plastic bag. The plastic bag was kept on the cycle carrier of the workman when he was apprehended at about 12-50 hours on 16-5-88 by the Staff and the foreman of A-4 section. On receiving the information, the security staff immediately reached the spot and took the workman to the security office for interrogation. Thereafter he was placed under suspension w.e.f. 19-5-88. He was served with a chargesheet dated 28-5-88 for committing gross misconduct of attempted theft of Government property, unauthorised handling of factory material with an intent to commit the offence of theft and acting in a manner which was an unbecoming of a Government servant. The workman denied the charges levelled against him and therefore the DE was conducted against him.

4. The management further alleges that the enquiry was conducted in a just and proper manner and the workman was given an ample opportunity to defend his case before the Enquiry Officer. He was given all relevant documents to defend his case properly. The Enquiry Officer himself considered the entire material on record and held the charges proved against the workman. The Disciplinary Authority accepted the enquiry report and terminated the services of the workman w.e.f. 5-8-90. The workman had committed a serious misconduct and therefore the penalty of dismissal from service is absolutely proportionate which doesnot require any interference. The workman has been rightly removed from service by the management and therefore he is not entitled to any relief as claimed by his widow.

5. The following issues arise for decision in this case and my findings thereon are noted hereinafter —

1. Whether the Departmental Enquiry conducted against the workman is just and proper ?
2. Whether the workman was illegally dismissed from service by the management w.e.f. 5-8-90 ?
3. Whether the workman's widow Meera Bai is entitled to monetary benefits as a legal heir of the deceased workman ?
4. Relief and costs ?

6. Issue No. 1.—It has been held by this tribunal on 3-5-99 that the Departmental Enquiry conducted against the workman was just and proper. In view of this finding, this issue needs no further consideration at all.

2. Issue No. 2.—The Departmental enquiry conducted against the workman by the management has been held to be just and proper. In view of this fact, now the sole question remains to be answered is as to whether the charge of misconduct has been proved against the workman from the material available in the enquiry proceedings or not. The enquiry papers go to show that the Enquiry Officer had given the ample opportunity to the workman to defend his case properly. He participated in the Departmental Enquiry along with his defence Assistant. The prosecution witnesses were cross examined effectively and the possible defence was put forth during the hearing of the case. The Enquiry Officer has reasonably considered the entire evidence on record in a judicious and fair manner and after due consideration he held the charges proved against the workman. The report of the Enquiry Officer does not appear to be perverse. This report is based on sound reasoning. In such a circumstance, this court cannot re-appreciate the evidence available for the Enquiry Officer by sitting as a court of appeal over the order of Disciplinary Authority. The order passed by the Disciplinary Authority does not suffer from any legal infirmity. Taking all these facts into consideration, it is held that the charges of misconduct have been proved against the workman and therefore the report of the Enquiry Officer does not require any interference by this court.

8. The workman Rajkumar was charged with the misconduct of attempted theft of Government property from the premises of the Ordnance Factory, Khamaria. The fact of Rajkumar necessarily involves a serious misconduct. In such a condition, the imposition of penalty of dismissal from service cannot be held to be unjust and improper. The management has rightly imposed the proportionate punishment of dismissal from service on the workman w.e.f. 5-8-90. Issue No. 2 is answered accordingly.

9. Issue No. 3.—In view of my findings given on Issue No. 1 & 2, the workman Rajkumar's widow Meera Bai is not entitled to receive any monetary benefits from the management in the present case. Issue No. 3 is answered accordingly.

10. Issue No. 4.—On the reasons stated above, it is held that the charges of misconduct were properly proved against the workman in the Departmental Enquiry which was conducted in a just and proper manner. The penalty of termination from service imposed on the workman is perfectly legal. The workman's widow Meera Bai is not entitled to receive any monetary benefits by virtue of being legal heir of deceased workman Rajkumar. The reference is accordingly answered in favour of the management and against the workman.

11. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का. आ. 2602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हैड क्वार्टर, के.के.जी. सब एरिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-14012/132/98-आई.आर. (डी.यू.),

सं. एल-14012/122/98-आई.आर. (डी.यू.),

सं. एल-14012/1/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

1 S.O. 2602.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of

1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of H. Q., K. K. G. Sub Area and their workman which was received by the Central Government on 3-9-2001.

[No. L-14012/132/98-IR(DU),

No. L-14012/122/98-IR(DU),

No. L-14012/199-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT

“SHRAM SADAN”,

G. G. Palya, Tumkur Road,
Yeshwantpur, Bangalore-560022

Dated : 27th August, 2001

PRESENT :

V. N. KULKARNI, Presiding Officer

C.R. No. 37/99

I Party

Sh. A. Sagaya,
C/o. Sagam Tea Stall,
Shop No. 5, Corporation Building,
Dr. BSA Road, Frazer Town,
Bangalore-560005.

II Party

The Chairman,
Commander H. Q.,
KKG Sub-area,
Bangalore-560001.

C.R. No. 41/99

I Party

Smt. Nageswari A.
W/o. M. K. Kempa Shetty (DO),
District Officer for the Karnataka,
Backward Classes Minorities Corpn.,
Bangarpet Circle, Dharmrayanagar, Near,
Microwave Soft. Kolar District,
Kolar-563113.

II Party

The Chairman,
Commander H. Q.,
KKG Sub-area,
Bangalore-560001.

C.R. No. 55/99

I Party

Sh. J. Narayan,
C/o. Shankarappa Bomani,
No. 626 A, III Sector,
H M T Colony,
Bangalore-560013.

II PARTY

The Chairman,
Commander H Q.,
KKG Sub-area,
Bangalore-560001.

Appearances :

I Party.—A. J. Srinivasan, Advocate.

II Party.—Col. Bhupinder Singh (Retd.)
Advocate.

COMMON AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred the following disputes for adjudication vide their Reference Numbers :—

C.R. No. 37/99

(a) No. L-14012/132/98-IR(DU) dated 22-4-1999

SCHEDULE

“Whether the Canteen Run by HQ Karnataka Kerala & Goa Sub Area, Bangalore is an industry under the Industrial Disputes Act, 1947? If so, whether the action of the Canteen Management run by the HQ Karnataka Kerala and Goa Sub Area Bangalore in terminating the services of Sh. A. Sagaya is legal and justified? If not, to what relief the workman is entitled?”

C. R. No. 41/99

(b) No. L-14012/122/98-IR(DU) dt. 22-4-99.

THE SCHEDULE

“Whether the Canteen run by HQ Karnataka Kerala and Goa Sub-Area, Bangalore is an industry under the Industrial Disputes Act, 1947 and If so, whether the action of the Canteen Management in terminating the services of Smt. Nageswari A is legal and justified? If not, to what relief she is entitled?”

C.R. No. 41/99

(c) No. L-14012/199-IR(DU) dated 04-05-1999

SCHEDULE

“Whether the Canteen Run by HQ Karnataka Kerala & Goa Sub Area, Bangalore is an

industry under the Industrial Disputes Act, 1947? If so, whether the action of the Canton Management in terminating the services of Sh. J. Narayan is legal & justified? If not, to what relief the workman is entitled?

2. Advocate for the I party is present. Advocate for the II party is present.

3. I party has filed Memo seeking permission to withdraw the matter. This is a reference by the workman, wherein, the workman has challenged the Termination Order by way of the Industrial Dispute.

4. The Claim Statement is filed. Counter is also filed by the II party.

5. In view of memo filed by the I party, I proceed to pass the following order.

ORDER

Permission is granted to withdraw the cases and the cases are disposed off accordingly.

(Dictated to the LDC in open court, transcribed by him, corrected and signed by me on 27th August 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का. आ. 2603:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम को-एक्सियन केबल प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-40011/11/90-आई.आर. (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2603.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Coaxial Cable Project and their workman, which was received by the Central Government on 3-9-2001.

[No. L-40011/11/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/210/90

Presiding Officer : Shri K. M. Rai,
Shri Manohar and 18 others,

The Circle Secretary,
Bhartiya Telephone Karmachari
Line Staff and Chaturth Ward,
44/26, South T. T. Nagar,
Bhopal.

...Applicant.

Versus

The Director,
Telecom Coaxial Cable Project,
G.T.B. complex, Sablok,
T. T. Nagar,
Bhopal.

...Non-applicant.

AWARD

Passed on this 17th day of July 2001

1. The Government of India, Ministry of Labour vide order No. L-40011/11/90-IRDU dated 21-10-90 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Director, Telecom Coaxial Cable Project, Bhopal in terminating/retrenching the services of Shri Manohar and 18 other casual labourers with effect from 1-4-88 is wrong? If wrong to what relief the workers are entitled for and from which date.”

2. The case for the workmen is that they were employed by the telecom Deptt. as casual worker on daily wage basis for coaxial cable project for digging trenches, laying cables, maintaining the cable line and removing the fault etc. in the year 1983. They continuously served the telecommunication department for the said purpose till 1988. Their services were terminated w.e.f. 1-4-88 without giving one month statutory notice and retrenchment compensation according to the provisions of Sec-25-F of the I.D. Act, 1947. The management did not prepare the seniority list of the workmen and they recruited new workers after terminating their services for the purpose for which they were employed earlier. The present workmen were regularly paid their wages on monthly basis and their attendance were maintained by the management. They had continuously worked for more than 1500 days prior to the termination of their services. In this way they are entitled to the regularisation of service in the Telecom deptt. The action of the management in terminating their services have violated the provision of Sec-25 of I.D. Act, 1947 and therefore they are entitled to reinstatement with back wages and other consequential monetary benefits.

3. The case for the management is that the workmen were engaged purely as casual worker for Coaxial Cable project to lay down the cable after digging trenches etc. Their employment was for this particular project only and after the completion of the project their employment automatically came to an end. Their services were not terminated by the management. Their claim is not covered under the provisions of Sec-25 of the I.D. Act 1947. Their appointment was not made through the employment exchange which is mandatory. At the same time, the workmen never worked against the sanctioned posts. In view of all these facts, they are not entitled to regularisation with back wages and other monetary benefits.

4. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the workmen are entitled to regularisation with back wages?

2. Relief and costs ?

5. Issue No. 1:

The workmen have clearly admitted in their cross examination that they were employed as casual worker on daily wage basis by the Telecom Department for laying down the cable and digging trenches etc. After the completion of laying the cable, the project work was finished. This admission of the workmen clearly goes to show that their employment was for a particular project only and after the completion of the project work, their employment automatically came to an end. At the same time they were not sponsored through the local employment exchange for recruitment which is mandatory. The management witnesses have also clearly testified that the workmen stopped coming to discharge their duty as the project was over. There is nothing on the record to show that the workmen were employed against the sanctioned post. On the contrary their admission has proved the defence of the management that they were employed for a particular project only and after the completion of the project, their employment automatically came to an end. In such a circumstance, the management was not required to serve them with statutory notice or pay the retrenchment compensation as laid down in Sec-25-F of the I.D. Act, 1947. The workmen have no right to the post in the circumstances of the present case. Hence they are not entitled to regularisation with back wages as claimed by them. This issue is answered accordingly.

6. Issue No. 2 :

In the light of above said finding it is held that the workmen are not entitled to any relief as claimed by them in the present case. The reference is accordingly answered in favour of the management and against the workmen.

7. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2604 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-40012/67/96-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2604.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the 2863 GI 2001—16.

Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/O Post and their workman, which was received by the Central Government on 3-9-2001.

[No. L-40012/67/96-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/18/91

Presiding Officer : Shri K. M. Rai.

Shri Wahid Ali,
S/O Shahadat Ali,
R/O H. No. 2,
Near MLB College,
Naiyo Wali Gali,
Budhwara,
Bhopal.

...Applicant.

Versus

The Post Master General,
M.P. Circle,
Dak Bhawan,
Hoshangabad Road,
Bhopal.
The Manager,
Mail Motor Services (P&T),
G.P.O. Campus,
Bhopal (MP)

...Non-applicant.

AWARD

Passed on this 26th day of July, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/67/96-IRDU dated 4-2-91 has referred the following dispute for adjudication by this Tribunal.

“Whether the action of the Manager, Mail Motor Service P&T Bhopal in terminating the services of Shri Wahid Ali, Auto electrician is justified? If not, to what relief the concerned workman is entitled to ?”

2. The case for the workman is that he was appointed Auto Electrician (workshop) against regular post in the Mail Motor Services (P&T) by the Manager w.e.f. 28-7-87 by order no. 688 dated 27-7-87 after the approval of the competent authority. His services were illegally terminated by the management w.e.f. 4th Sept. 1989. He was getting the salary of Rs. 950 per month. He made several requests for regularisation of the service, but the management did not accede to his request. Prior to terminating his services, the management had neither given one month statutory notice nor paid any retrenchment compensation as laid down in Sec. 25-F of the I.D. Act, 1947. He had continuously worked for more than 240 days in a calendar year preceeding the date of his termination from service. The termination order is therefore illegal which deserves to be quashed. He is entitled to reinstatement with back wages.

3. The claim of the management is that the workman was given a contract to carry out all electrical repairs and maintenance of all vehicles of RMS, Bhopal w.e.f. 28-7-87. The workman was never given an employment of Auto Electrician against the regular post as claimed by him. He was purely a contractor to carry out the electrical repairs of the vehicles. There was no relationship of employer and employee between the parties to this case. The work of the applicant was not found satisfactory and therefore his contract was terminated by the management. The management has not violated the provision of Sec-25-F of the I.D. Act as the workman was never retrenched by the management. There was no sanctioned post of the Auto Electrician in the Deptt. and therefore the workman has no right to post. The Department could not give any employment as Auto Electrician in the absence of sanctioned post. The workman is therefore not entitled to any relief as claimed by him:—

4. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the services of the workman were illegally terminated by the management?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs ?

5. Issue No. 1 :

The claim of the workman is that he was appointed as an Auto Electrician (workshop) in the Main Motor Service (P&T) by the Manager, Mail Motor Services (P&T), GPO Complex, Bhopal vide order dated 28-7-87 after the approval of the competent authority. The workman has not produced any appointment order to substantiate his claim. He has also not filed the approval of the competent authority to appoint him as an Auto electrician. Against this, the management has specifically ascertained that there was no sanctioned post of Auto Electrician in the department. If there was no sanctioned post of Auto Electrician in the department, then no authority could give the regular appointment against this post to the workman.

6. The workman has admitted in his cross examination that neither his name was sponsored through the employment exchange for the appointment as Auto Electrician nor any examination was conducted for selection of the candidate for the regular appointment on the said post. He was also not interviewed by any appointment committee of the Department. This statement of the workman goes to show that the recruitment rules were not followed in giving the employment to the workman. If the recruitment rules are not followed in giving the employment to any person then such employment is void-ab-initio. On the basis of such employment no body can claim his right to the post. In the present case, the workman was not appointed in accordance with the recruitment rules and therefore he cannot claim his right to the post of Auto Electrician in the Department.

7. It has also been admitted by the workman that at the time of termination of his service he was

informed that there was no sanctioned post of Auto Electrician in the department. In such a state of affairs when there is no sanctioned post then no appointment can be made against the same by any authority unless the post is sanctioned by the department. On this point, the workman cannot be regularised as an Auto Electrician in the Deptt. as claimed by him.

8. On the above said reasons it is held that the management was perfectly right in terminating his service as Auto Electrician w.e.f. 4-9-89 as there was no sanctioned post of Auto electrician in the department. His appointment was illegal. Issue No. 1 is answered accordingly.

9. Issue No. 2 :

In view of my finding given on Issue No. 1, the workman is not entitled to regularisation as Auto Electrician in the department. He is also not entitled to back wages and other monetary benefits as claimed by him. Issue No. 2 is answered accordingly.

10. Issue No. 3 :

In the light of the foregoing reasons, it is held that the termination of the workman w.e.f. 4-9-89 passed by the management is just and proper. The workman is not entitled to reinstatement with back wages. The reference is accordingly answered in favour of the management and against the workman.

11. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध निशेजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-40012/224/94-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2605.—In pursuance of Section 17 of Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom. and their workman, which was received by the Central Government on 3-9-2001.

[No. L-40012/224/94-IR(DU)]

KUI DIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/12/96

Presiding Officer : Shri K. M. Rai.

Shri Ram Sevak Kori,
Through the Secretary,
Council of Trade Union,
1123, Wright Town,
Opp. Telegraph Gate No. 3,
Jabalpur.

Applicant.

Versus

The General Manager,
Telecom. 1123,
Wright Town,
Opp. Telegraph Gate No. 3,
Jabalpur.

Non-applicant.

AWARD

Passed on this 2nd day of August, 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/224/94-IRDU dated 28-12-95 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management in not regularising the workman Shri Ram Sevak Kori, S/o Shri Parsadi Lal Kori Ex-casual Labour and terminating his services w.e.f. 31-7-94 is justified or not? If not, what relief the workman is entitled to?”

2. The case for the workman is that he was appointed as a labour in Electrical maintenance department of Telecommunication in the month of February, 1988. He continuously worked in the Department till 16-2-94. After giving the rest of 12 days he was again called for duty which he performed till 10th August, 1994. Thereafter his services were discontinued by the management. The junior persons who were appointed after him are still in service of the telecommunication Department. His services have been terminated by the management in violation of the provisions of I.D. Act, 1947. He is therefore entitled to reinstatement with back wages and other monetary benefits.

3. The case for the management is that the workman was engaged as a casual labour for the temporary nature of work in the department. His engagement was subject to the availability of the work. He was not engaged on the continuous basis. First of all, he was employed in the year 1992 wherein he had worked for 222 days only. In the year 1994, the workman continuously worked only for 31 days. He could not be granted temporary status as per the scheme framed by the department for grant of temporary status to the casual labour only those workmen could be granted such status who were engaged prior to March, 1985 or in the year 1988. The workman did not fulfil this condition of the scheme for getting temporary status in the department. The management has not violated the provisions of Sec-25-F of the I.D. Act, 1947 as

the action of the management does not amount to retrenchment of the workman. His dis-continuance from service is just and proper. He himself had left the work voluntarily. In view of all these facts, the workman is not entitled to any relief as claimed by him.

4. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the management had illegally terminated the services of the workman w.e.f. 31-7-94?
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs?

5. Issue No. 1.—The claim of the workman is that he was appointed as electrician in the month of February, 1988. In support of his claim, he has not filed any written order of appointment. He has categorically admitted in his cross examination that his name was never sponsored through the employment exchange for the appointment as an electrician. The management gave employment to him wherever some urgency arose. In this way, he was a casual worker. For getting the temporary status in the department, he should have continuously worked for 240 days prior to 22-6-88 as per the scheme of the Government of India, copy of which has been filed as Annexure A-9. In view of this circular, the workman is not entitled to get the temporary status for getting regularisation in the telecommunication department.

6. The workman also worked only for a period of 31 days in the month of January, 94 and thereafter no proof of his serving the department has been filed. It appears that he himself had left the job voluntarily and therefore he cannot claim to be regularised in the department. In such a circumstance, the workman cannot get the benefit of provisions of Sec-25-F of the I.D. Act, 1947 as he was never retrenched by the management. He himself had left the job and therefore the question of termination from service does not arise at all.

7. In view of the foregoing reasons, it is held that the workman never attained the temporary status in the telecommunication department as per the scheme of the Government of India and therefore he was not entitled to the regularisation of his service. He cannot be held to have been retrenched by the management. Hence his termination from service w.e.f. 31-7-94 cannot be held to be illegal as he had voluntarily left the job himself. This issue is answered accordingly.

8. Issue No. 2.—In view of my finding given on issue No. 1, the workman is not entitled to reinstatement with back wages. Issue No. 2 is answered accordingly.

9. Issue No. 3.—On the reasons stated above, it is held that the workman is not entitled to any relief as claimed by him. The reference is therefore answered in favour of the management and against the workman.

10. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2606.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण इदुक्की के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एन-40012/568/2000-आई आर (डीयू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2606.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court Idukki, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 3-9-2001.

[No. L-40012/568/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

IN THE COURT OF THE INDUSTRIAL
TRIBUNAL, IDUKKI

(Dated, this the 20th day of July, 2001)

PRESENT :

Shri P. V. Abraham, B.Sc., L.L.B., Industrial
Tribunal.

Industrial Dispute No. 25 of 2001

BETWEEN

The Sub Divisional Inspector of
Post Offices,
Kattappana Sub Division,
Kattappana-685 508.

..Management.

AND

J. Shri S. M. Binumon,
Souriyamkuzhil House,
Padamugham P.O.,
Murickassery-685 604.

... Workman.

REPRESENTATIONS :

Shri S. Krishnamurthy, Advocate, Kochi-11—
For Management.

AWARD

The Government of India, as per order No. L-40012/568/2000/IR(DU) dated 26-3-2001 referred this industrial dispute for adjudication to this Tribunal.

The issue referred for adjudication is the following :—

“Whether the action of the Sub Divisional Inspector of Post Offices, Kattappana in terminating the services of Shri S. M. Binumon, Extra Departmental Mail carrier at Padamugham Post Office on 20-12-97 is just, fair and legal? If not, to what relief the workman is entitled?”

Even though the management as well as the workman had appeared before this Tribunal initially, the workman remained absent subsequently. Therefore, the workman was declared ex-parte. The management has filed an affidavit substantiating their contentions.

The workman has not filed any claim statement. The complaint submitted by the workman before the Assistant Labour Commissioner (Central) Kochin, has not been appended to the reference order. The management has stated in the affidavit that the workman was provisionally appointed as Extra Departmental Mail Carrier, Padamugham from 19-6-1997. During that period Shri S. M. Binumon had worked only on 172 days. Therefore, the workman is not eligible for any relief.

The workman has not filed any claim statement and he has not adduced any evidence before this Tribunal. The management has stated in the affidavit that the workman had worked only on 172 days during the period from 19-6-1997 to 20-12-1997. In the circumstance, the termination of service of the workman cannot be regarded as illegal or unjustifiable.

In the result, an award is passed holding that the workman is not eligible for any relief.

P. V. ABRAHAM, Industrial Tribunal

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल कॉटेज इण्डस्ट्रीज कॉर्पोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एन-42012/230/2000-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2607.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of Central Cottage Industries Corpn. of India Ltd. and their workman, which was received by the Central Government on 3-9-2001.

[No. L-42012/230/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 9th August, 2001

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

Industrial Dispute No. 01/2001

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri R. Vishal Anand and the Management of Central Cottage Industries Corporation of India Ltd. (Chennai), New Delhi.)

BETWEEN

Shri R. Vishal Anand. . . I Party/Workman.

AND

The Branch Manager,
Central Cottage Industries Corporation
of India Ltd., (Chennai),
New Delhi. . . II Party/Management.

APPEARANCES :

For the Workman : M/s. V. Chandrakanthan P.
Karunakaran, M. Aravindan, and R. Sri-
vidhya, Advocates.

For the Management : Sri M. K. Kannan,
Advocate.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-42012/230/2000/IR(DU) dated 17-11-2000.

When the matter came up before me for final hearing on 15-06-2001, upon perusing the Claim Statement, Counter Statement, other material papers on record, upon perusing the oral evidence let in on the side of the II Party/Management and the documentary evidence let in on either side and upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till

this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the termination and non-regularisation of Shri R. Vishal Anand by the Management of Central Cottage Industries Corporation of India Ltd., Chennai, is legal and justified? If not, to what relief the workman is entitled?”

2. The averments in the Claim Statement filed by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri R. Vishal Anand (hereafter referred to as Petitioner) was appointed as Stenotypist in the II Party/Management, Central Cottage Industries Corporation of India Ltd., Chennai Office, with effect from 1-9-1998. In the order of appointment dated 8-10-98 it is mentioned that the period of probation is one year which is liable to be extended for a further period of one year in two spells of six months each and the services are liable to be terminated without any notice and without assigning any reason. The Branch Manager Mr. M. Anantharaj was enmical towards the Petitioner, threatened him that he will not confirm the Petitioner in service and humiliated the Petitioner before the visitors for no fault of the Petitioner. The said Branch Manager with a mala fide intention and in order to terminate the Petitioner from service indulged in illegal activities. The one year probation period of the Petitioner expired on 31-8-99. After that date, the Petitioner continued in service as a permanent employee. But the Management had passed an order dated 12-2-2000, extending the probationary period for six months with retrospective effect from 1-9-99. It is contrary to law, illegal and unjust. There cannot be an extension of probation period retrospectively. On and from 1-9-99, the Petitioner became a permanent employee of the Management and therefore, the extension of probation retrospectively cannot curtail the rights of the workman, who under law became a permanent workman. The Management created some documents and charged the Petitioner for some misconduct. The alleged misconducts are incorrect and untenable. No enquiry was conducted for the allegations and charges levelled against the Petitioner. The Management by its order dated 27-5-2000 terminated the services of the Petitioner with effect from 31-5-2000. It is contrary to law, illegal and unjust. The termination order passed by the Management is in violation of Section 25F of the Industrial Disputes Act. No charge memo was issued to the Petitioner. No enquiry was conducted. No explanation was called for and no final show cause notice was issued to the Petitioner before passing the termination order. The dispute raised by the Petitioner before the conciliating authority ended in a failure. On submission of a failure of conciliation report by the Assistant Labour Commissioner (Central), Chennai, this reference for adjudication of industrial dispute by this Tribunal has been made by the Ministry. Hence, this Tribunal may be pleased to pass an award holding that the order of termination of the Petitioner by the Management dated 27-5-2000

is illegal and unjust and direct the Management to reinstate the Petitioner in service with all attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :—

The Central Cottage Industries Corporation of India Ltd., Chennai, the II Party/Management (hereinafter referred to as Respondent) has admitted that the Petitioner was appointed on probation for the period of one year which was liable to be extended for a further period of one year in two spells of six months each. In clause 2 of the letter of appointment, it is provided that during the probation period the services of the Petitioner could be terminated without notice and without assigning any reasons and his services could be terminated by either party by giving one month's notice or salary in lieu thereof. The performance of the Petitioner during his probation period was found not satisfactory. By a memo dated 8-5-99, the Petitioner was advised to improve his performance. Since in the fourth quarterly report received from the Manager, Chennai Branch, that the performance of the Petitioner was found unsatisfactory, the probation of the Petitioner was extended for a period of six months by an office order dated 12-1-2000. In spite of extension of the probation period, there was no improvement in the performance of the Petitioner. A memo dated 28-1-2000 was issued to the Petitioner informing him that in spite of repeated oral instructions, he had not rectified his mistakes and had not shown any improvement in his performance of jobs/duties assigned to him and that his quality of work was not upto the mark and he was advised to improve the same to avoid any further action. On completion of the extended period of probation on assessment by the Management, it was found that the performance of the Petitioner had continued to remain unsatisfactory. So the Manager, Chennai Branch recommended that the services of the Petitioner be terminated as his performance was unsatisfactory and he was unable to overcome mistakes. In spite of that the Management decided to afford one more opportunity to the workman to improve his conduct and accordingly extended his period of probation for a further period of six months w.e.f. 1-3-2000. Even then, the Petitioner showed no improvement in his work performance. He was issued memorandums dated 10-3-2000, 16-3-2000 and 24-3-2000 bringing to his notice about his poor performance. Having found that the performance of the Petitioner was highly unsatisfactory and that the Petitioner had shown no improvement, despite extension of his probation period twice, the Management concluded that he was not suitable for confirmation in service and as such his services were terminated on the expiry of the extended period of probation by its letter dated 27-5-2000. So it does not constitute retrenchment, even then the Management paid the Petitioner retrenchment compensation equal to 30 days wages besides one month's notice pay. The termination of the services of the workman on the expiry of the probation period is valid and in accordance with law. As a probationer, the Petitioner has no right to continue in service on the completion of his probation period, unless he is confirmed in the

service in writing. As per clause 2 of the appointment letter, the Petitioner was terminated from service, since he was found not suitable for confirmation in service. Therefore, the Petitioner is not entitled to any relief much less the relief of reinstatement with full back wages. Hence, this Tribunal may be pleased to dismiss the reference as well as the Claim Statement filed by the Petitioner.

4. When the matter was taken up for enquiry, only one witness for the Management has been examined as MW1 and with the consent of the counsel on either side have been marked as Exs. W1 to W8 and M1 to M6. By examining MW1, Ex. M6 has been marked. No one has been examined as a witness for the Petitioner. On conclusion of the evidence on either side, the learned counsel on either side have advanced their respective arguments.

5. The point for my consideration is --

“Without regularisation the services of Sri R. Vishal Anand, the action of the Management of Central Cottage Industries Corporation of India Ltd., (Chennai), New Delhi, in terminating his services is legal and justified? If not, to what relief the workman is entitled?”

The Petitioner Sri R. Vishal Anand was appointed as Steno-typist in the Chennai Office of Central Cottage Industries Corporation of India Ltd. with effect from 1-9-1998. Ex. W1 is the xerox copy of an office order No. 241 dated 8-10-98 containing the terms and conditions of the appointment. As per the clause 2 of that appointment order, the period of probation is for one year from the date of appointment and the same is liable to be extended for a further period of one year in two spells of six months each. Ex. W2 is the xerox copy of order dated 21-12-99 passed by the Deputy Manager (Personnel) recommending the extension of probation of Mr. R. Vishal Anand on the ground that his performance as per the fourth quarterly report is not satisfactory. Ex. W3 is xerox copy of the another office order dated 12-1-2000 by the same Deputy Manager (Personnel) extending the probation period of Mr. R. Vishal Anand, the Petitioner herein by six months w.e.f. 1-9-99. Ex. W4 is the xerox copy of another office order dated 29-2-2000 by the same officer extending the probation period of the Petitioner by three months w.e.f. 1-3-2000. All these things have been admitted by the Petitioner. The Petitioner's services were terminated with effect from 31-5-2000 (AN) by an order dated 27-5-2000 of the General Manager (Admn.). A xerox copy of that order is Ex. W5. It is contended by the learned counsel for the Petitioner that the Petitioner was appointed only as a stenotypist and not as a P.A. to the Manager. In clause 15

of the appointment order. Ex. W1, though mentioned about the work to be attended by the steno-typist, the Management has not fixed the work for the steno-typist and in the self-assessment report he has admitted that he was doing the work assigned by the Manager and that after the completion of the period of probation neither he was confirmed in service nor his probation was extended and here in this case the Deputy Manager only has extended the probation period and it has not been done by the General Manager and only the General Manager can extend the period of probation or confirm the services of the Petitioner. He would further argue that termination of service of the Petitioner by the Management is illegal and unlawful. Since on the expiry of probation period on 31-8-99 neither it was extended nor confirmed and hence, the Petitioner is deemed to be a permanent employee and subsequent extension of probation period on 12-1-2000 with retrospective effect is illegal and violative of principles of natural justice. The learned counsel for the Petitioner has cited a case decided by the Supreme Court reported as AIR 1960 SC 1210 *The State of Punjab Vs. Dharam Singh* and had advanced an argument that "the extension of probation period beyond the maximum period fixed in the service rule without an express order of confirmation cannot be deemed to continue in that post as a probationer by implication". This decision of the Supreme Court in the cited case is not applicable to the present facts of this case, because, in the cited case, as per the Service Rules there is a prohibition of extension of probation beyond three years and the probationer was allowed to continue in that post after the expiry of three years without any order of confirmation, so it was deemed to have been confirmed in the post, whereas in this case, the Petitioner/Workman was appointed for one year in probation as per clause 2 of Ex. W1 and it was liable to be extended for a further period of one year in two spells of six months. Ex. W3 is a xerox copy of the order dated 12-01-2000 for extension of the probation period by six months passed by the Management with effect from 1-9-1999. Ex. W4 is the xerox copy of the order for an extension of probation period for the Petitioner for three months with effect from 1st March, 2000. By an order dated 27-5-2000, the Petitioner's services were terminated with effect from 31-05-2000 (AN). From these exhibits, it is seen that as per clause 2 of Ex. W1 the services of the Petitioner has been terminated even before the completion of the second extended period of probation. So, the decision of the above mentioned Supreme Court case is not applicable in this case.

6. It is the further argument of the learned counsel for the Petitioner that the services of the Petitioner were terminated by the Management without any enquiry and the Petitioner was terminated from service for unsatisfactory work and hence it amounts to a stigma attached to his termination. So, the termination of service by the Management cannot be considered as a valid one. He has relied upon a case decided by the High Court of Gujarat reported as 2001 (2) LLN 739 *Deputy Executive Engineer (Mechanical), Magdalla Port Development Scheme Vs. Sukhabhai Gandabhai and Others*. In that case it is held that "the services of the workman was terminated because

of allegation, misconduct and passing of an order of termination without holding enquiry amounts to stigma attached to termination". The learned counsel for the Petitioner would argue that in this case also the Petitioner's services were terminated on the ground that his service was unsatisfactory and the termination order without holding any enquiry for the alleged misconduct, without holding an enquiry amounts to a stigma attached to termination. Hence, as held in the above High Court case, the Petitioner is entitled for reinstatement of service. Here, again the cited case is not applicable to the present facts of this case, because in the termination order Ex. W5, nothing has been stated as misconduct as a reason for termination, so it cannot be said that any stigma has been attached to the termination order. Further, in that cited case the employee on probation was allowed to continue in service without probation being extended and his services were terminated on the ground of misconduct without enquiry. Here, in this case, the Petitioner's services were terminated when he was in the extended period of probation. Furthermore, as per clause 2 of appointment order Ex. W1, the services of the Petitioner could be terminated without notice and without assigning any reason. Further it is seen from Ex. W2 that the period of probation has been extended since the performance of the Petitioner was found to be unsatisfactory. Ex. M6 is the self-assessment report given by the Petitioner himself dated 5-5-99, wherein he has stated clearly that he was assigned Secretarial job i.e. typing, attending calls, maintaining proper register, receiving all letters and other correspondence etc. and he is rectifying his defects one by one and he is learning and improving his performance and he is improving day by day. From this self-assessment report, it is seen what that has been reported by the Management about his performance as unsatisfactory is proved to be correct. MW1 the Manager also has given evidence to that effect that the Petitioner was not performed his duties satisfactorily to the satisfaction of the Management and he was issued memos as and when his work was not found upto the mark and the xerox copies of those memos are Ex. M1 to M5 and the Petitioner did not object to these memos. Nothing has been elicited in the cross examination of MW1 to discredit such evidence in the Chief Examination. In the cross examination, he has categorically stated that the Management gave him two more chances by extending the probation period to correct himself and he recommended for the termination of the services of petitioner, since his performance of duty has not been satisfactory. MW1 has clearly stated in his evidence that there was no ill feelings and enmity between himself and the Petitioner. So from the evidence of MW1 and the memos of Ex. M1 to M5, it is proved by the Respondent/Management that the Petitioner was not performing his duty satisfactorily as per the expectation of the Management and that was why he was given five memos during his probation period and his period of probation was extended only to enable him to rectify himself and to perform his duties to the satisfaction of the Management. Having found that the Petitioner could not improve himself, the Management thought it fit to terminate his service without assigning any reason during the period of probation itself, as per clause 2 of appointment order Ex. W1. It is held in the case

reported as 1992 II LLN 1026 Governing Council of Kidwai Memorial Institute of Oncology, Bangalore vs. Dr. Pandurang Godwalkar and Another by the Supreme Court of India that "when an appointment is made on probation it presupposes that the conduct, performance, ability and the capacity of the employee concerned have to watch and examine during the period of probation. These to be confirmed after the expiry of probation only when his service during the period of probation is found to be satisfactory and he is considered suitable for the post against which he has been appointed". It is further held in that case that "termination of service during period of probation after taking into consideration over all performance and some action or inaction on the part of the employee does not amount to removal from service or punishment. This decision of the Supreme Court in this case is squarely applicable to the facts of this present case. In a case reported as 1997(10) SCC 682 it is held that "on consideration of adverse service records, termination of service of an employee by a non-stigmatic order cannot be held as punitive. Hence, it is not illegal merely because of being passed without holding departmental enquiry". This decision also would squarely applicable to the facts of this case.

7. The learned counsel for the Petitioner has cited the cases reported as 1998 II LLN 67 1999, (3) SCC 60, 2000(3) SCC 239 as the cases decided by the Supreme Court of India are in support of his contention that the termination of service order passed by the Management against the Petitioner/Workman is with stigma and hence the termination of service of the Petitioner without conducting any domestic enquiry is illegal. A perusal of these quoted judgements show that in the order of termination passed by the Management against the employee concerned, reasons have been give for the termination of service, as stigmatic. So those orders of termination are not termination simpliciter and those orders cannot be compared with Ex. W5 termination order in this case, wherein no stigma is attached. So, the argument advanced by the learned counsel for the Petitioner stating that above cited three cases decided by the Supreme Court is helpful to him cannot be accepted as correct. Under such circumstances, it can be easily concluded that the termination of Sri R. Vishal Anand without regularization of his service by the Management of Central Cottage Industries Corporation of India Ltd. (Chennai/New Delhi), is legal and justified. So, the concerned workman is not entitled to any relief. Thus, the point is answered accordingly.

8. In the result, an award is passed holding that termination and non-regularisation of Sri R. Vishal Anand by the Management of Central Cottage Industries Corporation of India Ltd., (Chennai) New Delhi, is legal and justified. Hence the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th August, 2001).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For I Party/Workman : None.

For II Party/Management :
MW1 Shri M. Ananthuraj.

Documents Marked :

For I Party/Workman :

Ex. No.	Date	Description
W1	8-10-98	—Xerox copy of the office order No. 241 Containing terms & conditions of appointment Issued to the Petitioner.
W2	21-12-99	—Xerox copy of the office note proposing extension of probation period of the Petitioner for six months.
W3	12-1-2000	—Xerox copy of the office order for extension of Probation period w.e.f. 1-9-99.
W4	29-2-2000	—Xerox copy of the office order for extension of Probation period w.e.f. 1-3-2000.
W5	27-5-2000	—Xerox copy of the Termination order.
W6	2-6-2000	—Xerox copy of the petition filed by the Petitioner before the Conciliation Officer.
W7	Nil	Xerox copy of the written statement filed by the Management before the Conciliation Officer.
W8	19-7-2000	—Xerox copy of the Counter Statement filed by the Petitioner before the Assistant Labour Commissioner (Central).

For the II Party/Management :

Ex. No.	Date	Description
M1	8-5-99	—Xerox copy of Memorandum issued to Petitioner.
M2	28-01-2000	—Xerox copy of Memorandum issued to Petitioner.
M3	10-03-2000	—Xerox copy of Memorandum issued to Petitioner.
M4	16-03-2000	—Xerox copy of Memorandum issued to Petitioner.
M5	24-03-2000	—Xerox copy of Memorandum issued to Petitioner.
M6	Nil	Original self-assessment report of the Petitioner.

नई दिल्ली, 3 सितम्बर, 2001

का.आ. 2608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार प्रैस इन्फॉर्मेशन ब्यूरो के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एन-42012/243/98-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd September, 2001

S.O. 2608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Press Information Bureau and their workman, which was received by the Central Government on 3-9-2001.

[No. L-42012/243/98-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

Tr. Industrial Dispute Case No. 257/2001

Bhubaneswar, the 13th August, 2001

BETWEEN :

The Management of the Director,
Press Information Bureau, Ministry of
Information & Broadcasting,
Sachivalaya Marg, Bhubaneswar. . . Ist Party-
Management

AND

Shri Manas Ch. Mahara,
C/o Rajendra Naik, At. Jharpada, Harijan
Sahi, P.O. Jharpada, Distt. Khurda. . . 2nd Party-
Workman

APPEARANCES :

None—For the 1st Party-Management.

None—For the 2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following disputes for adjudication vide their Order No. L-42012/243/98/IR(DU), dated 23-4-1999 :—

“Whether the action of the management by terminating the services of Shri Manas Charan Mahara and engaging another person in his place is legal and justified? If not, to what relief the workman is entitled?”

2. In spite of notice sent by the Ministry and by the Tribunal since 1999 neither party have made their appearance before the Tribunal. The workman who is to file his Claim Statement has remained absent in spite of receipt of notice.
2863 GI/2001—17

3. The indifference attitude, silence and absence of the workman would suggest that no dispute exists between the parties and the workman has got no cause of action and he has got no relief to claim.

4. Hence, no dispute award is passed.

5. The reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2609.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-2001 को प्राप्त हुआ था।

[सं. नं.-40012/31/99-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 4-9-2001.

[No. L-40012/31/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 162/99

Shri Bakshi Ram son of Hardayal,
V. & P.O. Mohamandpur Sotter,
Teh. Ratia,
Distt. Fatchabad (Haryana). . . Workman.

Versus

The Supdt. Post Offices,
Hissar Division,
(Haryana)-Hissar. . . Management.

APPEARANCES :

For the Workman : Workman in person.

For the Management : Tara Chand Sharma.

AWARD

(Passed on 30th of July, 2001)

The Central Government vide gazette notification No. L-40012/31/99/IR(DU) dated 22nd of July,

1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Superintendent of Post Offices, Hissar Division Hissar in terminating the services of Shri Bakshi Ram son of Shri Hardayal is legal and justified? If not, to what relief the workman is entitled?"

2. Today the case was fixed for filing of claim statement. The workman appeared and made the statement that he does not want to pursue with the present reference and the same may be returned to the Ministry as withdrawn. In view of the recorded statement of the workman that he does not want to pursue with the present reference, the same is returned to the Ministry as not pressed. Appropriate Government be informed.

Chandigarh,
30-7-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का. प्रा. 2610.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध निवासियों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-2001 को प्राप्त हुआ था।

[सं. एन-40012/211/93-आईएमए (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Post and their workman, which was received by the Central Government on 4-9-2001.

[No. L-40012/211/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU CHENNAI-104

Tuesday, the 14th day of August, 2001

PRESENT :

THIRU S.R. SINGHARVELU, B.Sc.B.L.,
Industrial Tribunal

Industrial Dispute No. 8 of 1995

(In the matter of dispute for adjudication under sec. 10(1)(d) of the Industrial Dispute Act, 1947, between the Workman and the Management of The Sr. Suptd. of Post Office, Madurai-625 002

Between

Thiru N. Ramesh, S/o Nallana Naidu,
EDDA, Kuppinayakanpatti,
Kamachipuram S.O. 626 520.

And

The Sr. Suptd. of Post Office,
Mofusil Division,
Madurai-625 002.

REFERENCE : Order No. L-40012/211/93/IR(DU)
dated 20-1-95, Ministry of Labour, Govt. of
India, New Delhi.

This dispute after remand, coming on for final hearing on Friday, the 10th day of August, 2001, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thirumathi S. Jothivani, advocate appearing for the Workman and of Thiru D. Nandakumar, Additional Central Government Standing Counsel appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal :

"Whether the action of the Suptd. of Post Offices Madurai in terminating the services of Shri N. Ramesh with effect from 30-11-90 is justified? If not, to what relief he is entitled to?"

2, The main averments found in the Claim statement of the Petitioner are as follows:

The petitioner was appointed as Extra Departmental Delivery Agent at Kuppinayakanpatti branch Office a/w Kamachipuram, S.O. on a provisional basis by the Assistant Superintendent of Post offices, Periyakulam Sub-Divn. Periyakulam on 12-4-1986. The Asst. Superintendent of Post offices, Periyakulam Sub Division, Periyakulam issued a show cause notice and called for explanation vide Memo No. EDDA/K.R. Patti dated 12-11-90 to terminate the service of the petitioner since the District Collector, Madurai initiated the respondent in his Memo No. K. Dis. 92759/90 dated 5-9-90 that a criminal case against the petitioner was pending at Kadamalaikundu P.O. Crime No. 147/88 U/S 334 IPC. The petitioner submitted his explanation on 20-11-90. The petitioner was terminated from service vide Memo No. EDDA/K.N. Patti dated 30-11-90. The petitioner preferred an appeal to the respondent herein by his appeal to the respondent dated 1-12-90, which was rejected. The petitioner was issued with a reply by the respondent stating that since the petitioner was not

appointed permanently against the E.D. post, and his appointment was only provisional and initiating disciplinary proceedings under Rule 8 of E.D. Agents (Conduct and Service) Rules 1964 is not necessary. Aggrieved by the illegal order of termination, the petitioner raised a dispute under Section 2(A) of the Industrial Disputes Act, 1947. The respondent have violated the principles under Articles 311(2) of the Constitution of India, if the petitioner's services were terminated for any adverse report on his works. The contention of the respondent is untenable is as much as that he had acted on the report of the District Collector who had submitted an adverse report of the antecedents of the petitioner. The petitioner was acquitted by the Judicial Magistrate-I, Usilampatti by an order dated 5-8-93 in C.C. No. 555/91 (Crime No. 147/88) and as such the allegation against the petitioner fails, and the petitioner is entitled for reinstatement as EDDA, Kuppinaayanpatti B.O. It is therefore prayed that this Tribunal may be pleased to call for the records pertaining to Memo No. EDDA/K.N. Patti dated 30-11-90 issued by the Assistant Superintendent of Post offices, Periyakulam Sub Divn. and to set aside the same, and to pass an award directing the petitioner with all attendant service and monetary benefits.

3. The main averments found in the Counter statement of the Respondent are as follows:

The service of the petitioner cannot be termed unblemished since, enquiry with the payees of the Money orders revealed that the petitioner had committed irregularities in the payment of money orders. The explanation dated 20-11-90 of the petitioner was taken into due consideration while a decision on his termination was taken on 30-11-90. The appointment of the petitioner made on 12-4-86 was on Provisional basis. This had to be regularised after receipt of Police verification report. When this question of regularisation was taken up, he was declared to be unfit to hold any post under Government. Hence there was no other way but to dispense with his services. The petitioner was given every opportunity to defend himself and his representation was taken into consideration. The order was not unilateral but based on a verification report prepared by an individual authority not connected with the Postal Department viz. the District Collector who had, in turn relied on the basis of the investigation Agency viz. the Police Department. The order was passed with reference to the letter of the District Collector declaring the petitioner as unfit to hold a post under Govt. and that was made explicit in the letter No. EDDA/K.N. Patti dated 12-11-90 in which the explanation of the petitioner was called for. A show cause notice was issued as admitted by the petitioner

himself in para. 5 of his claim statement. It is pertinent to note that the antecedents were not verified before 'appointing' the petitioner in view of the exigencies of Govt. service and when verified, the verification report would contain the report upto the date of verification only. The impugned order of termination is quite legal and is in conformity with the principles of natural justice. Hence there is no valid ground to set aside the order. It is therefore prayed that this Tribunal may be pleased to accept this Counter statement, dismiss the claim petition.

4. On behalf of Petitioner/Workman, Ex. W1 to W10 were marked by consent. On behalf of respondent, Ex. M1 to M3 were marked by consent. No witnesses were examined for both sides.

5. The Point for consideration is whether the action of the Supdt. of Post offices, Madurai in terminating the services of Sri N. Ramesh.w.e.f. 30-11-90 is justified? If not, to what relief he is entitled to?

6. THE POINT: The petitioner was first appointed as Extra Departmental Delivery Agent at Kuppinaayanpatti branch office, only on a provisional basis by the Assistant Superintendent of Post offices, Periyakulam. His date of appointment is 12-4-1986. As per Memo dated 5-9-90, the District Collector, Madurai communicated the misconduct of the petitioner in as much as he had involved himself in a Criminal case in Crime No. 147/88 under Sec. 334 of I.P.C. at Kadamalaikundu Police Station. There was a show cause notice through Ex. W2 dated 12-11-90 for which the petitioner replied with his explanation dated 20-11-90 through Ex. W3. Not satisfied with the explanation there was an Order of termination dated 30-11-90 through Ex. W4. The appeal of the petitioner through Ex. W5 and his further representation through Ex. W6 went in vain. Therefore, there was a petition under Sec. 2-A of the I.D. Act which also failed.

7. Originally there was an Order by this Court that there was no jurisdiction and subsequently in the Writ petitioner No. 11566 of 1998, dated 20-7-99, the matter was remanded with a finding that there is jurisdiction.

8. It is now found that the petitioner had been reinstated through Ex. M 1 Order dated 23-2-2000. The reinstatement was w.e.f. 12-6-95. The TRCA certificate was also produced and marked as Ex. M 2. The Acquittance roll regarding the petitioner was marked as Ex. M 3. Thus it is seen that the petitioner had been reinstated.

9. The reason for the dismissal was that the petitioner had involved himself in a Criminal case in C. C. No. 147/88 under Sec. 334 of I.P.C. within the limits of Kadamalaikundu Police Station. In para 17 of the claim petition, it had

been stated that the petitioner was acquitted by the Judicial Magistrate-I Court, Usilampatti by an order dated 5-8-93 in C. C. No. 555/91. This has not been repudiated by the otherside. Therefore, it has now become clear that the Charge against him is no more in existence. It is on that basis only he had been reinstated w.e.f. 12-6-95. When once he has been reinstated from 12-6-95 the claim of the petitioner that he has to be paid with backwages and continuity of service from 12-6-95 is logically acceptable. There was also no substantial contention against.

10. Therefore apart from the plea of reinstatement that the petitioner is to be awarded with backwages and continuity of service from 12-6-95. Award passed accordingly. No costs.

Dated at Chennai, this 14th day of August, 2001.

S. R. SINGHARAVELU, Industrial Tribunal

I. D. No. 8/95

Witnesses Examined

For Petitioner/Workman : None

For Respondent/Management : None
Documents marked

For Petitioner/Workman

Ex W 1 27-9-90 : Order of Put-off.

Ex. W 2 12-11-90 : Show cause Notice.

Ex. W 3 20-11-90 Explanation by the petitioner.

Ex. W 4 30-11-90 : Order of Termination.

Ex. W 5 10-12-90 : Appellate order.

Ex. W 6 8-1-91 : Representation by the petitioner.

Ex. W 7 31-7-91 : Appellate order.

Ex. W 8 — : Petition u/sec. 2(A) of I.D. Act.

Ex. W 9 -- : Reply filed by the Respondent.

Ex. W 10 5-8-93 : Order in CC No. 555/91
Cr. No. 147/88.

For Respondent/Management

Ex. M 1 12-6-95 : Letter No. AC 2/2981/Bok
dt. 18/23-2-2000 Asst. Superintendent of Post Offices, Theni
to the petitioner.

Ex. M 2 30-11-99

30-4-2000 : TRCA Certificate

Ex. M 3 11-5-2000 Acquittance Roll.

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2611—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध निराश्रित और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-2001 को प्राप्त हुआ था।

[मं. एन-40012/212/93-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Post and their workman which was received by the Central Government on 4-9-2001.

[No. L-40012/212/93-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI—104

Monday, the 13th day of August, 2001

PRESENT

Thiru S. R. Singharavelu, B.Sc.B.L.,
Industrial Tribunal

Industrial Dispute No. 161 of 1994

(In the matter of dispute for adjudication under Section 10(1)(d) of Industrial Dispute Act, 1947 between the Workman and the Management of The Supdt. of Post Offices, Pattukkottai).

BETWEEN

Sri K. Ravindran,
S/o Th. Karunanidhi,
Ex. Branch Post Master,
Neivilakku Branch Office,
Karuvapuram, S.O.,
Vedaranyam Taluk—614 808.

AND

The Supdt. of Post Offices,
Pattukottai Division,
Pattukottai- 614 601.

REFERENCE : Order No. L-40012/212/93-IR (DU), dated 13-7-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 11th day of July, 2001, upon perusing the reference, Claim and Counter statements and all

other material papers on record and upon hearing the arguments of Thirumathi S. Jothivani, advocate appearing for the Workmen and of Thiru R. Karunakaran, Additional Standing Central Government Counsel appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal :

“Whether the action of the Supdt. of Post Offices, Pattukottai in terminating the services of Shri K. Ravindran w.e.f. 25-11-92 is justified ? If not, what relief he is entitled to” ?

2. The main averments found in the Claim Statement of the Petitioner are as follows :

The petitioner was appointed as Extra Departmental Post Master at Neivilakku Branch Office in a/c Kuruvapulam Sub-Office under the Respondent on 7-11-90. The respondent is the appointing authority as well as the Disciplinary authority. In the month of August, 1991 a verification was conducted by the Sub-Divisional Inspector (Postal), Thiruthurai-pundi of the Saving Bank accounts and alleged a shortage of Rs. 150.50 in the accounts and placed the petitioner under put off duty. The petitioner submits that further the Sub Divl. Inspector, Thiruthurai-pundi coerced the petitioner to credit the alleged shortage of 150.50 into the accounts and that in failure the petitioner will be handed over to the Police and also given an oral undertaking that the put off duty will be revoked and the petitioner will be reinstated in service. As per the undertaking given by the officer, the applicant was reinstated in service on 7-4-92 and the petitioner continued to employ till the date of his removal from service. The petitioner was issued with a Charge Memo dated 24-2-92 alleging the charges against the petitioner. Since the petitioner had denied the charges the respondent appointed Sri R. Baskaran, Sub-Divl. Inspector, Pattukkottai west Sub Division as Enquiry Authority. The enquiry officer appointed was a Subordinate to the Disciplinary Authority working under him. The Inquiry Officer has submitted his report concluding that the charges levelled against the petitioner are proved. The petitioner also submitted his explanation and without considering the same, the disciplinary authority has passed the impugned order of removal from service vide Memo dated 24-12-92 at Pattukottai. The petitioner referred an appeal before the Director of Postal Services on 1-2-93 which was rejected by the Order dated 13-5-93. The petitioner was denied reasonable opportunity in defending his case which caused prejudice. The materials relied by the respondent to frame the charges were not supplied to the petitioner. The

enquiry officer has refused for supply of additional documents for the reason that those are irrelevant. During the course of inquiry the statement of one Sri Ezhilan dated 31-12-91 which was obtained by the Sub Divl. Inspector (Postal) behind the back of the applicant was marked as State Document (SE-6). The petitioner submits that the said Ezhilan during the conduct of the enquiry denied of having given a statement, and when the veracity of the document has not been proved reliance on the same will amount to relying a document obtained behind, the back which is in violation of the principles of natural justice. During the course of inquiry the depositor of the amount Thiru V. Ezhilan had denied that he had deposited amounts on 23-8-91 and 25-9-91 and as such the charges were framed against the petitioner without any basis and as such the charges levelled against the petitioner are failed. The imposition of the punishment of removal from service is exemplary in nature comparing with the gravity of the charges levelled against the petitioner. It is therefore prayed that this Tribunal may be pleased to pass an award and to direct the respondent to reinstate the petitioner with all attendant service and monetary benefits till reinstatement.

3. The main averments found in the Counter Statement of the Respondent are as follows :

The petitioner Thiru K. Ravindran, Ex. BPM was provisionally appointed as BPM, Neivilakku B.O. account with Kuravapulam Sub-Office on 7-11-90 on a monthly allowance of Rs. 660/- by the Supdt. of Post Offices, Pattukottai. While working as BPM, Shri K. Ravindran has committed serious 3 (three) Saving Bank and 1 (one) RD frauds to the tune of Rs. 6,170.50 which warranted him to proceed both departmental and Police action. During the verification, the SDI had unearthed the following frauds committed by the BPM Sri K. Ravindran.

SB Account No. 462068

Shri K. Ravindran, Ex-BPM had accepted the following deposits on the dates noted and made necessary entries in the SB Pass Book and impressed with date stamp but failed to credit the deposit amounts into Government records such as SB journal, BO account etc. and utilised the deposit for his personal gains, maintaining a parallel account.

Date	As per SB Pass Book		As per BO SB/ Journal/BO Account	
	Deposit	Withdrawal	Deposit	Withdrawal
1	2	3	4	
14-8-91	550	—		
18-8-91	—	220		
25-9-91	200	—		
28-9-91	200	—		

1	2	3	4
1-10-91	200	—	—
5-10-91	—	100	—
S.B. A/c 461061			
6-8-91	700	—	—
16-8-91	—	50	—
27-8-91	—	250	—
2-9-91	—	300	—
4-9-91	685	—	700
6-9-91	—	—	25
7-9-91	—	—	300
14-9-91	—	50	—
16-9-91	—	50	—
28-9-91	—	250	—
1-10-91	—	250	—
4-10-91	770	—	855
Total	2155	1200	1555
S.B. A/c No. 462062			
10-7-91	500	—	—
31-7-91	—	—	500
4-9-91	515	—	—
6-9-91	—	80	—
17-9-91	—	100	—
27-9-91	—	50	—
30-9-91	—	500	—
4-10-91	470	—	255
Total	1485	730	755
RD A/c No. 22199			
23-8-91	50.00	—	—
23-8-91	50.00	—	—
25-9-91	50.00	—	—
Total	150.50	—	—

The total frauds committed by the Petitioner amounts to Rs. 6170.50. As the modus operandi of the frauds is serious and warrants a criminal action also, a police case amounting to Rs. 6020/- pertaining to 3 SB accounts was registered under Crime No. 937/92 under Section 409, 464, 467, 471 and 477(A) of IPC. The Charge memo was issued under this office Memo No. PI/04/91-92 dated 24-2-92. Sri R. Baskaran, Sub-Div. Inspector (Postal), Pattukottai West Sub Divn. was appointed as Inquiry officer as prescribed in the rules. The petitioner was also availed the services of Sri Vivekandan retired departmental official as his defence counsel as prescribed in the rules. After analysing the enquiry report and other material evidences and factors of the case, the Disciplinary authority has decided the case and issued the proceedings under the Office Memo No. FI/04/91-92 dated 24-12-92 awarding a penalty of removal from services. The punishment order is fully self-explanatory for having arrived such a decision. The petitioner preferred an appeal against the order of the disciplinary authority and his appeal

was rejected by the appellate authority. The petitioner had fully availed the services of one defence counsel to assist him in the departmental enquiry and every reasonable opportunity provided to the petitioner at every stage of the disciplinary case. The memo of charge was issued to the petitioner citing the following documents in support of the charge.

- (i) The Pass book of RD Account 22199
- (ii) BO RD Journal of Neivilakku from 30-5-91 to 11-11-91 (book form).
- (iii) BO Journal of Neivilakku from 11-6-91 to 20-11-91 (book form).
- (iv) BO daily account 23-8-91 and 25-8-91.
- (v) Statement of Sri V. Ezhilan, RD depositor.
- (vi) Statement of Sri K. Ravindran, Ex. BPM (petitioner)

Among the above six documents, copies of statement of witness mentioned in the list referred to Annexure-III of Charge sheet supplied to the petitioner as prescribed in Rule 14(ii) of CCS (CCA) Rules, 1965 and he was permitted to peruse and take copies of the documents mentioned in the Annexure-III of Charge sheet. In the Inquiry officer's report the IO has permitted all the listed documents mentioned in the Annexure III to the Charge sheet. pertaining to the case through the presenting office at the very outset of the enquiry for perusal on 29-5-92 and pursued the additional defence documents on 16-7-92 and the examination of state witness was commenced only on 31-7-92 and no violation of Rule 14 and 15 of CCS (CCA) Rules, 1965 was done as argued by the petitioner. For departmental enquiries the preponderance of probability of proof is enough to decide the departmental enquiry. The depositor Sri V. Ezhilan has categorically admitted that he had actually deposited a sum of Rs. 150/- in his RD account 22199 and the balance shown in the pass book is correct. Hence, the charge framed against the petitioner is proved both oral and documentary evidences. The punishment awarded is based on concrete evidences and it is justified and reasonable. It is prayed that this Tribunal may be pleased to dismiss the petition.

4. On behalf of petitioner Ex. W1 to W. 13 were marked by consent. On behalf of respondent, Ex. M1 to M5 were marked by consent.

5. The Point for consideration is whether the action of the Supdt. of Post offices, Pattukottai in terminating the services of Sri K. Ravindran, w.e.f. 25-11-92 is justified? If not what relief he is entitled to?

6. THE POINT : This case was first decided on preliminary issue of maintainability and an award was passed on 30-12-96 dismissing the Industrial Dispute. As against the same, a Common Order was passed in W.P. No. 11566/88 on 20-7-99 holding that this Tribunal has got jurisdiction. There was a remand

order. Subsequent to the remand, there was no fresh evidence produced on either side. The individual workman by name K. Ravindran was terminated on 25-11-92 due to certain misconduct on his part. Ex. M1 is the Charge Memo dated 24-12-92 issued to the said individual. The same was marked as Ex. W1 on the side of the workman. Annexure II in Ex. W1 mentioned that Mr. Ravindran while working as EDBPM, Neivilakku, B.O. accepted a sum of Rs. 100.50 towards monthly deposits for July '91, August, 91, a sum of Rs.50/- per month a default fee of Rs. 0.50 p. on 23-8-92 and a sum of Rs. 50/- towards monthly deposits for Sep 91 on 25-9-91, for credit into the Account No. KVM 22199 standing open at Neivilakku BO in the name of V. Ezhilan, the depositor of the said account. It was further said that the workman Ravindran made entries in these transactions attested them with the initials of page Nos. 12 and 13 and date stamped on the said dates in the Pass book of the said R.D. Account. He failed to enter these transactions in the BO journal of R.D. Account. He failed to account for the said deposit amounts accepted by him and the relating pay in slips in the said daily account, violating the provisions of Rule 172 and 175 by BO rules. It was also mentioned therein that Sri Ezhilan, the Depositor of the said R.D. account in his statement dt. 31-12-91 given the Sub Divi. Inspector, Namakkal West Sub-Divi. stated that the said deposits along with the pay in slips and the passbook were tendered to the said BPM on the said dates. The workman Ravindran in his Statement dated 20-11-91 given before the Sub Div. Inspector, Thiruthuraiipoondi admitted the acceptance of the said deposits and recording the transactions in the Passbook and of his failure to account for them in the BO records on the said dates. He also admitted that the related pay in slips were destroyed by him and that the said amounts were utilised for his personal expenses. There was an Annexure III to Ex. W1 in which all the documents relied on by the managements were copied and supplied to the workman.

7. Ex. W5 dated 20-10-92 is the defence Brief, wherein the plea for absolving the workman from the allegations was asked for by stating that the evidence adduced in the enquiry do not confirm the charges. All the statements relied on by the management was attacked by contending that they were obtained by coercion, even the payment of amounts were also challenged.

8. Therefore, we have to see as to whether the management had produced enough evidence in proof of the allegations levelled against the workman. In this connection, the proceedings of the en marked as Ex-M2 has to be looked into.

The statement of Th. Ravindram, the workman dated 20-11-91 recorded by the Sub Divi. Inspector, Thiruthuraiipoondi was marked as Ex. M5. In that Documents the following was mentioned :

Other Language—

9. The other documents were also produced to show the non-availability of the mentioning of the deposit into the account of Thiru Ezhilan. Ezhilan himself has given a statement Ex. M4 dt. 31-12-91 before the Sub Divi. Inspector Namakkal where in he has spoken about his deposits. This was also found in para. 3 of the Findings of the Enquiry officer.

10. When once the document of confession of workman has been produced, it is for him to prove that it was obtained by the coercion as he so alleged in his Ex. W5 Defence brief. There is no evidence forthcoming to show what was the coercion applied against the workman. Therefore, the alleged coercion is found not true.

11. When once the coercion alleged by the workman was not proved, then his statement and his contents thereof becomes worthy of credit. Similarly, Th. Ezhilan also given his statement in proof of the deposits made by him. The very contents of these two statements would go to show that the misconduct on the part of a workman.

12. The learned counsel for the Workman argued that there cannot be a conviction sustainable based only on the alleged admission given by the workman. This is so because no one is expected to give any statement against his own interest. More particularly there is specific allegations in this case that the statement of the workman was obtained by coercion. It was further argued that though the coercion is not proved that by itself cannot make the so called statement of the workman, as an admission. There should be some evidence atleast to prove the existence of the deposit in favour of Thiru Ezhilan, his payments and the non-crediting of the same on the part of the workman. These things can be proved by the documents. But those documents have not been marked in this case. Thus there are two instruments on either side. The management is holding the admission of the statement of workman; the workman is holding the instruments of lacuna of evidence. In these circumstances, the perceptibility of the offence is made known from the Statement of workman; there is so because there is no proof that it was obtained by coercion. In these circumstances, the plea of the learned counsel for the workman that application of Sec. 11-A of I.D. Act may be considered. Since the amount is small, a punishment of dismissal may not be warranted, as it is unproportional. Thus the termination is

set aside and reinstated without backwages and continuity of service. Award passed. No costs.

Dated at Chennai, this 13th day of August, 2001.

S. R. SINGHARAVELU, Industrial Tribunal

Witnesses Examined

For Petitioner/Workman : Non

For Respondent/Management : None
Documents marked

For Petitioner/Workman

- Ex.W1 24-2-92 : Charge Memo
Ex.W2 29-5-92 : Letter to the Enquiry officer
Ex.W3 9-6-92 : -do-
Ex.W4 16-7-92 : Brief by the Presenting officer
Ex.W5 20-10-92 : Defence brief
Ex.W6 25-11-92 : Letter from Superintendent of Post offices to K. Ravindran
Ex.W7 10-12-92 : Explanation against I.O. Report
Ex.W8 24-12-92 : Impugned order of removal from service
Ex.W9 1-2-93 : Appeal
Ex.W10 13-5-93 : Appellate order
Ex.W11 5-7-91 : Petition under Sec. 2A of I.D. Act
Ex.W12 : Reply filed by the Respondent
Ex.W13 10-93 : Rejoinder filed by the petitioner.

For Respondent/Management

- Ex.M1 24-12-92 : Memo No. F1/04/91-92 dated 24-12-92 of Superintendent of Post offices, Pattukottai Division, Pattukottai-614601
Ex.M2 13-5-91 : Memo No. STC/3-21/93 dated 13-5-93 of Director of Postal Services, Thiruchirappalli, Thiruchirappalli-621001.
Ex.M3 : Acknowledgement for receipt of Appellate orders duly signed by the petitioner.
Ex.M4 31-12-91 : Statement of V. Ezhilan depositor of R. D. account No. 22199
Ex.M5 20-11-91 : Statement of K. Ravindran, BPM, Neivilakku BO.

नई दिल्ली, 5 सितम्बर, 2001

का.प्र. 2612: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण से, केन्द्रीय सरकार मर डिबीज़न ऑफिसर टेनोकान के प्रबंधन के संबद्ध निरीक्षकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण नं.-1, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-2001 को प्राप्त हुआ था।

[सं. एन-40012/143/92-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th September, 2001

S. O. 2612.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court No. 1, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Sub-Divisional Officer, Telecom and their workman, which was received by the Central Government on 5-9-2001.

[No. L-40012/143/92-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Present : Sri Syed Abdullah, B Sc. B. L.
Industrial Tribunal-I.

Dated : 31st day of July, 2001.

INDUSTRIAL DISPUTE NO. 7 OF 1994.

Between :

S. Narasaiah, S/o S. Venkaiah,
aged about 28 years, Casual
Telecom Mazdoor, Gandhi Road,
Husnabad, Karim Nagar-505476.

Petitioner/Workman

And

The Sub-Divisional Officer,
Telecom, Karim Nagar-505002.

.. Respondent/Management

Appearance :

Sri C. Suryanarayana, Advocate for the Petitioner.

Sri P Damodhar Reddy, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. 40012/143/92-IR (DU) dated 11-1-1994 made a reference to this Tribunal for adjudication of the dispute under Clause (d) of Sub-Section (1) and Sub-section (2 A) of Section 10 of the Industrial Disputes Act 1947 on the issues annexed to the schedule :

“Whether the action of the Management of SDO (T). Karim Nagar in not regularising the

services of Sri S. Narasiah is legal and justified ?

If not to what relief the workman is entitled to ?

After appearances of the parties, they have filed their respective pleadings

2. Briefly stated the averments in the claim statement of are as under :

According to the Petitioner-Workman, he was initially recruited as Casual Mazdoor w.e.f. 18-6-1982 by Sub-Divisional Officer (Telecom) Karim-Nagar. He was employed for a period of 726 days from 18-6-82 to September, 1985. But thereafter he was not employed either due to non-availability of work or due to cessation of work or due to Departmental reasons. However, he was again employed from January 1986 for 87 days. His name was included in the Muster Rolls. From April, 1986 to June 1991 the Petitioner-workman suffered from T.B. Abdomen. He was under the treatment of Dr. M. Raghupathi Rao, Civil Assistant Surgeon, Headquarters Hospital, Karim Nagar. After recovery, the Petitioner-workman approached the Respondent for his reinstatement in service by producing the medical certificate of fitness along with his representation dt. 15-7-1991. The S.D.O. (T) sent him a reply through his letter dt. 30-7-1991 stating that the facts in his representation are contradictory from the Doctor's certificate. The Respondent failed to verify the working days statement through Muster Roll numbers in proof of his employment. The Muster Rolls Nos. as furnished by the Petitioner workman, in proof of his employment. The Respondent held that though he worked during the period from 1-3-1985 to 28-2-1986 he did not complete 240 days. Ignoring the previous service i.e., 18-6-1982 to 21-6-1983 for 352 days and from 20-7-1984 to 30-6-1985 for 313 days. As a matter of fact, the Petitioner-workman worked namely 256 days during one year period. The Petitioner-workman name was not at all removed from the Muster Roll nor any notice was sent removing his name from the Muster Rolls. Much less any notice was published in the News paper. The Respondent's refusal to readmit the Petitioner-workman to work is retrenchment and attracting Section 25-F of the I.D. Act, as per law. Hence prayed to hold and declare that the retrenchment of the petitioner-workman is arbitrary, illegal, null and void and consequently to direct the Respondent to reinstate him in service with full back wages w.e.f. 30-7-1991 in the interest of justice

3. Briefly stated, the averments made in the counter are as under :

The claim of the Petitioner-workman is a stale one and a reference ought not to have been made. The law of limitation prescribed 3 years time for raising a dispute or asserting a right. The Petitioner-workman was not recruited on 18-6-1982, as claimed by him, in the post. He was a casual mazdoor engaged for urgent work and he is specifically to work on casual basis as and when work is available, which he himself is fully aware of it. During the period from 18-6-1980 to 31-12-1987, 20-7-84 to 26-3-85 and from 1-4-1985 to 28-3-1986, he never worked continuously. The Petitioner-workman invented the sickness to cover up long absence for more than five years. The Medical Certificate submitted by him is an after-thought. The break due to health reasons, if any, may be considered for condonation by the Divisional Engineer concerned if it does not exceed more than six months, provided the casual mazdoor has produced a Medical Certificate at the time of illness, but not with back dates. Further condonation of break upto one year can be considered by the Chief General Manager, Telecom of the Circle concerned in such cases and no case which is beyond one year can be entertained by the Department. The representation dated 1-5-1991 with a Medical Certificate submitted by the Petitioner-workman after a lapse of five years. Hence the request was rejected. At no time the Petitioner-workman had worked continuously for 240 days in a spell. Law is also settled that the casual labour employed on temporary basis is not entitled to claim for employment continuously as a matter of right. Further vide letter No. 269-4/93 STN (II) dated 12-2-1999. Departmental instructions are not to engage fresh casual labour and the powers are withdrawn. Hence prayed to dismiss the claim as not maintainable.

4. The point for adjudication is whether the Petitioner-Workman is entitled to the relief claimed for?

5. This Tribunal passed an Award dt. 17-9-1994 in I.D. No. 7 of 1994 holding that the action of the Management (SDO(T) Karimnagar) in not regularising Sri S. Narasiah is legal and justified and thereby the Workman is not entitled to any relief. Aggrieved by the said Award, the Petitioner-Workman had filed a Writ in W.P. No. 8333 of 1996 of the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court was pleased to set aside the Award holding that it was vitiated by an error apparent on the face of the record and remitted back the dispute for fresh consideration to adjudicate the reference directing that this Tribunal shall confine itself to the reference and adjudicate the same in accordance with law.

6. In view of the directions, again the case, was taken up on file and proceeded with. During the enquiry, the Petitioner-workman recalled himself for further examination to let in additional facts about his illness and other aspects which he had put forth in the claim statement. In support of the oral evidence, documents Exs. W1 to W12 have been relied on and the same was marked.

7. As a rebuttal evidence on the side of the Respondent, the Sub Divisional Officer, Telecom worked during the relevant period and the present incumbent were examined as M.W1 and M. W2 and they reiterated the stand taken in the counter by filing documents Exs. M1 to M3 for consideration, in support of their stand.

8. While remanding the dispute for fresh adjudication the Hon'ble High Court of Andhra Pradesh directed this Tribunal to confine itself to the reference and to adjudicate the same in accordance with law. The reference is "whether non-regularisation services of the workman is legal and justified."

9. Subsequent to the remand and pending adjudication, on behalf of the workman, his counsel had addressed two letters Exs.W11 and W12 to the Secretary, Ministry of Labour, Government of India, New Delhi, praying to amend the schedule in the reference to the effect that the retrenchment is arbitrary, illegal and null and void and consequent to direct the Respondent to reinstate him into service with back wages, continuity of service, protection of seniority etc. The Ministry of Labour, Government of India has not at all taken cognizance of the matter and at this stage, it is not necessary to go into the aspect of it, in view of the Hon'ble High Court's direction.

10. While adjudicating the dispute covered by the reference in respect of regularisation of services of the workman, this Tribunal has to consider the salient features i.e. (i) as to the continuous service of the workman as required under Section 25-B(2) of the I.D. Act, (ii) whether any termination or retrenchment had taken place, (iii) the workman's right to claim for regularisation of his services and (iv) law or rules permissible for directing the Respondent-Management to regularise the services of the workman considering the facts and circumstances of the case.

11. Undisputedly, the workman was engaged as casual mazdoor as and when work was available. The workman asserts that he worked exceeding 240 days in a year during the period of service right from 18-6-1982 to 1986. So his service was continuous without any interruption except on account of his sickness for the period from April, 1986 to 12-7-1991, and the sickness period is also to be counted for the continuous service as per Section 25B(2) of the I.D. Act. On the other hand, the Respondents

stand is that there is a wide gap without any continuity of service during three periods of service (between the period of his service in three spells) i.e., from 18-6-1982 to 31-12-1982, 20-7-1984 to 26-3-1985 and 1-4-1985 to 28-3-1986 and it does not amount to continuous period of service for computation of 240 days.

12. As per the record 28th March 1986, was the last working day and thereafter he did not turn up for duty. While so, on 1-5-1991 he submitted a representation along with Medical Certificate Ex.1 to condone his absence and to continue him in service as casual labour which was rejected as the rules did not permit him to take him into service and especially after a lapse of five years. A ban for appointments casual worker has been in force. So also on account of the developments in the technology, the manual work for laying telephone cable, or lines has been cut short to a major extent and if any manual work has to be done, it is done through contract labour. The Management took the defence that the departmental rules and instructions issued from time to time covered by Exs.M1 to M3 prevents from issuing any orders.

13. Under Section 25-B(2) of the I.D. Act, the workman shall be said to be in continuous service within the meaning of clause (1) for a period of one year or six months, and he shall be deemed to be under continuous service, if the sub clauses a (ii) (b) (ii) are fulfilled. In a decision of Hon'ble Supreme Court in WORKMAN OF AMERICAN INTERNATIONAL BANKING CORPORATION vs. MANAGEMENT OF AMERICAN INTERNATIONAL BANKING CORPORATION (1985 (51) FLR Page 481 Supreme Court) has clarified that the expression of actually working means all continuous days during which he was in employment of the employer and for which he has been paid wage whether under express or implied contract of service or by compulsion of statute, Standing Orders etc., Sundays and Statutory days of course to be calculated for computation of 240 days. So applying this formula from the last working day i.e. 28-3-86, the counting of working days backwards, the actual number of working days within a period of 12 months in total to be worked out. By this method it is clear that the workman has worked for 240 days within the period of 12 calendar months commencing (i.e. 18-6-82) and counting backward (i.e. 28-3-86).

14. The next aspect to be considered is whether there was any termination or retrenchment by the Management attracting Section 25F of the I.D. Act for non-compliance of the conditions which entitle for reinstatement. It is undisputed that the workman voluntarily remained absent from the work w.e.f. 28-3-1986 and thereafter only for the first time on 1-5-1991 after a lapse of five years he had come forward with a Medical Certificate to take him back into

service, for which the Management gave reply that his employment was not a permanent service, as he was engaged as casual mazdoor whenever there was work. So it is not binding on the employer to provide employment, whenever he comes forward with Fitness Certificate. Further stated that there is discrepancy in his version that he was under treatment upto June, 1991 and whereas the Doctors in his certificate declared that he was fit only from 12-7-91. Thereby it is contradictory about his sickness and undergoing treatment from April, 1986 to July, 1991 for a period of five years. He failed to intimate the fact to Sub Divisional Officer (Telecom), Karimnagar through any letter or telegram during the past five years and even otherwise he had not completed 240 days of service during the period from 1-3-1985 to 28-3-1986 to invoke the provisions of the I.D. Act to claim as a matter of right.

15. In this context, Circular Ex. M1 issued by the Telecom Department, New Delhi in a letter No. 269-392-STN dated 21-10-1992 is relevant which has prescribed a procedure for condonation of break in service of Casual Labourer. The earlier instructions of the Director by Letter No. 269-2987-STN Vol. I dated 30-8-1989 were reconsidered vesting the power with the Divisional Engineers and Chief General Manager depending on the duration of the condonation of break in service upto one month for any reason, the Divisional Engineer is competent. For condonation of six months sickness or non-availability of work provided the necessary Medical Certificate/details of lay-off are suitably prechecked. Only condonation of break in service of upto one year can be done by the Chief General Manager for any reason on the merit of the case such as sickness after checking the medical certificate, non-availability of work, after checking the details of lay-off. Wherea any condonation beyond one year cannot be considered and need not be referred to Telecom Commission, Head Quarters. So it is clear that the maximum period of condonation of break in service even on sickness certificate was only upto one year but beyond one year cannot be considered at all. So it can be said without hesitation that the Respondent was helpless on account of the Departmental Guidelines.

16. The learned counsel for the Petitioner-Workman contended that when the name of the Petitioner-Workman was not cancelled from the Muster Roll or that no notice or publication was given to him to report for duty, it is deemed that non-continuation of him, amounts to retrenchment within the meaning of Section 2(oo) read with Section 25-F of the I.D. Act.

17. Under Ex.M2, instructions are given by the Head of the department, New Delhi dated 30-3-1985 with regard to fresh recruitment and employment of casual labour for any type of work that it should be stopped forth within Telecom Circles/ Districts. The casual labour already in employment should be utilised only (1) for the work of casual nature, (2) all installation works of temporary nature (3) Cable

laying work and (4) line construction/dismantling work. Every effort should be made to reduce the number of casual mazdoors employed and in no case fresh recruitment/employment be made. In Ex.M3 Departmental Instructions dt. 12-2-1999, clear instructions are given that the scheme called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" was communicated under which casual workers who were engaged before 30-3-1989 and had completed 10 years of service, were made eligible for regularisation and in this regards earlier letters dt. 17-3-92, 6-7-1993, 20-5-1994, 8-5-1995 and 30-9-1996 were issued and inspite of the ban, there is a recruitment of casual workers. There are instances where casual labourers were recruited after 30-3-1985, some problems have arisen and in view of the decision of the Supreme Court on the subject, instructions were given to create posts for regularisation of casual labourers to grant temporary status who have completed 10 years of service as on 31-3-97. In view of the ban covered by Ex.M2 and on account of the scheme introduced requiring minimum of 10 years of service as on 31-3-1997, such of those daily wage workers who are engaged prior to 30-3-1989 were only eligible to be given the regular status. The department could not budge further to given work of pass any orders in favour of the workman. It is also clear that the recruitment of casual labourers was completely banned w.e.f. 22-6-1987 itself. Though the workman had continuous service as a casual worker, he could not get the temporary status. The departmental rules to struck off the name will apply to regular workers but not to casual-workers. In case a regulr worker absents, the management cannot struck-off his name from the muster roll without complying with the principles of natural justice. After issuing notice or holding any enquiry only his name is to be struck-off irrespective of the fact that the Standing Orders permit removal of his name from the muster rolls and under those circumstances, if such steps were not taken it would amounts to a retrenchment which is an illegal one. The contention put forth for the workman that since his name was not struck-off from the muster roll he is deemed to be a casual worker is neither tanable under statute nor have any precedent as per the facts and circumstances of the case.

18. The learned Counsel for the workman has emphasised on the principles laid down by the Apex Court as to the meaning of 'retrenchment' set out in 1. Sunder Money Case (AIR 1976 S.C. 1111) 2. Santosh Gupta's Case (AIR 1980 S.C. 1219) 3. Delhi Cloth & General Mills Limited (AIR 1978 S.C. 8) and pointed out that the respondent's in-action would amounts to termination of service for any reason what so ever attracting the term of

retrenchment falling under 2(oo). There is no dispute as to the principles laid down in the above decisions. But the facts of the case on hand are different. The workman himself absented from work for over a period of five years without intimation or production of medical certificate at the appropriate time. Even from a cursory look of Ex.W1 Medical Certificate it gives any amount of doubt or suspicion. There was no necessity for the Department to refer the workman for second medical opinion or to find out the genuineness of the Medical Certificate. Ex.W1 is not issued in proper proforma following the procedure. As per Medical Rules, a Doctor first of all has to examine the workman and to certify his illness and to advise the treatment or the rest for the required period for recovery. After completion of the treatment and on examination, he has to certify that the patient is fit to attend to his duty. If such certificate is issued and produced in the department, then there will be an obligation on the part of the Officer concerned to send him for the second medical opinion or examination by the approved Government Doctor of its department. Even otherwise when there is gap of five years, rules do not permit condonation of delay at all. The chief General Manager is vested with his power only upto a maximum period of six months to condone the absence on medical ground. When the Central Government's clear guidelines are that the condonation beyond the period of six months should be recommended or referred. The responsible was helpless is the matter.

19. From the admitted facts and evidence on record, it was neither a case of termination nor retrenchment of the workman concerned from service so as to fall within the meaning of Section 2(OO) read with Section 25-F of the I.D. Act. It is a case of cessation of work by the workman himself. Question of awarding compensation under Section 25-F of the I.D. Act would arise when an employee has a permanent status or a regular worker. In a contract of employment where on the expiry of the period of work, non-compliance of Section 25-F would not nullify or have the effect of termination, especially the workman was absconding from duty for over 5 years. The facts of the case are identical to the facts of the decision *M. Venugopal Vs. DIG M.L.C. Muralipant A.P.* 1994 (1) LLJ 597 (referred to S.C. decision).

Similarly, when appointments are regulated by statutory rules, the daily wages who are not appointed to the posts in accordance with the rules but were engaged on the basis of need of work, are temporary employees working on daily wages and therefore disengagement cannot be construed as retrenchment as laid down in *Himanshu Kumar Vidyarthi Vs. State of Bihar* 1998 (2) LLJ 15 (S.C.).

20. As per the reference the Tribunal has to answer whether non-regularisation of the services of the workman is either legal or justified. On this aspect, the evidence, the admissions on record and the Departmental Rules are very clear that the workman is not entitled for any regularisation of service. Even assuming that the workman had completed 240 days continuous service in a calendar year it does not confer any right to seek for protection for regularisation of service or to contend that in view of his past continuous service non continuation or regularisation would amount to retrenchment, within the meaning of Section 2(OO) and Section 25-F of the I.D. Act. The Division Bench decision of the High Court of Calcutta in *Tarun Kundae & Ors. Vs. State of West Bengal & Ors.* [2001 (1) LLJ page 258] in which it has been held as follows :

“Law nowhere states that if a person worked for more than 240 days in a year, he is entitled to regularisation in service”.

Provisions contained in Chapter V of the I.D. Act had been enacted merely to protect the right of workman from illegally dismissing from service. Section 25-F of the I.D. Act merely contemplates payment of compensation at the rate of 15 days wages per each year on completion of service and only in that context, it has been provided such year of completion of service shall be deemed to have been completed if a person worked for more than 240 days in a year. Section 25-F of the Act therefore, does not contemplate creation of any right of absorption in favour of any person. The decisions of the Apex Court in *Madhava Sikshaw Vs. Anil Mishra* (AIR 1994 S.C. page 1638) and *Swamy Vs. Union of India* [1999 (V) SLR page 807] have been referred in support of the said principle. On the same analogy, it can be said without any hesitation that the workman is not entitled for regularisation of service much less to attribute that his services were retrenched.

21. For the aforesaid discussions, the Petitioner—workman is not entitled for any relief as prayed for.

22. In the result, Award is passed holding that the action of the management of S.D.O. (T), Karimnagar, in not regularising the services of Sri S. Narsaiah, Ex. Mazdoor of Telecom Department, Karimnagar Division is legal and justified. In the circumstances of the case, there is no order as to costs.

Dictated to the Senior Stenographer, transcribed by him, corrected by me and given under my hand

and the seal of this Tribunal, this the 31st day of July, 2001.

SYED ABDULLAH, Industrial Tribunal-I
Appendix of Evidence

Witness Examined for Workman	Witness Examined for the Management :
	After remand
W.W1 S. Narsaiah	M.W1 T. Ganga Rao M.W2 S. Nagi Reddy
Documents marked for the Workman	
Ex. W1 12-7-91	Xerox copy of Medical Certificate issued by Dr. M. Ragnupathi Rao.
Ex. W2 —	Original book let of the working days particulars of the workman.
Ex. W3 —	Xerox copy of Ex. W2 (Service particulars).
Ex. W4 15-7-91	Copy of representation of the workman.
Ex. W5	Reply of the Respondent to Ex. W4.
Ex. W6 17-10-88	Xerox copy of the letter No. 269-69/88 STN 17-10-88.
Ex. W7 7-11-89	Xerox copy of Order No. 269-10/89 STN dt. 7-11-89.
Ex. W8 23-8-91	Copy of the complaint to the Regl.
Ex. W9 18-11-91	Comments of the Respondent.
Ex. W10	Copy of the Minutes of Conciliation of the Regl. Labour Commissioner.
Documents marked after remand by High Court of Andhra Pradesh	
Ex. W11 7-12-2000	Copy of the letter sent to Ministry of Labour requesting for correction in the reference.
Ex. W12 24-5-2000	Letter addressed to the name of Sri Vinod Vaish. Secretary, Ministry of Labour, New Delhi.
Documents marked for the Respondent after remand	
Ex. M1 21-10-92	Circular of the D.O.T., New Delhi. Condition of break in service of casual labour.
Ex. M2 30-3-85	Circular of Govt. of India restricting the engagement of casual workers for a long period.

Ex. M3 12-2-99 Circular of Govt. of India withdrawing the powers of engaging casuals and filled staff.

नई दिल्ली, 5 सितम्बर, 2001

का.अ. 2613: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल थर्मल पावर कॉर्पोरेशन के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-2001 को प्राप्त हुआ था।

[सं. एच-42012/241/94-आईआर (डीयू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th September, 2001

S.O. 2613.-In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Thermal Power Corporation and their workman, which was received by the Central Government on 5-9-2001.

[No. L-42012/241/94-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR**

Presiding Officer : Shri K. M. Rai

Case No. CGIT/LC/R/104/96

R. M. Malpani,
Supervisor,
Grade-I (Safety),
National Thermal Power Corpn. Limited,
NTPC,
Pragati Nagar,
Korba.

Present Address : —Workman
DRT-65, Bangur Nagar,
P.O. Dandell, Distt. Uttar Kannada,
Karnataka State.

V/s.

General Manager,
Korba Super Thermal Power Project,
NTPC, Pragati Nagar,
Korba.

—Management

AWARD

(Passed on this 23rd day of August, 2001)

The Government of India, Ministry of Labour, New Delhi, has referred this dispute for adjudication vide order No. L-42012/241/94, dated 27th March, 1996, as under :

"Whether Shri R. M. Malpani, Supervisor, Grade-I (Safety), National Thermal Power Corporation Limited, is a "Workman" and if so whether action of the management of NTPC Limited in not allowing Shri R. M. Malpani on duties considering him medically unfit is justified? If not, what relief the workman concerned is entitled to?"

2. The Management has raised the preliminary objection regarding maintainability of the dispute before this Tribunal.

3. Admittedly, the workman is an employee of NTPC, which is a schedule Industry under the Madhya Pradesh Industrial Relations Act.

4. The present dispute is not covered by the provisions of the aforesaid MPIR Act, for which the appropriate Government is State Government.

5. This dispute is not covered by the provisions of Industrial Dispute Act, 1947, as the dispute in this Act is referred by the appropriate Government, i.e. Government of India.

6. In view of this fact, this dispute is not maintainable before this Tribunal.

7. In view of the aforesaid reasons, it is held that the present dispute is not maintainable before this Court.

8. The workman can move the appropriate forum provided under the MPIR Act for his redressal.

9. Copy of the Award be sent to the Government of India, Ministry of Labour, New Delhi, as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.अ. 2614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार बालसोड ग्राम्या बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं.एन-12011/7/98-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Balasore Gramya Bank and their workman, which was received by the Central Government on 3-9-2001.

[No. L-12011/7/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S.K. Dhal, OSJS (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 234/2001

Date of conclusion of the hearing 21-8-2001

Date of passing Award 21-8-2001

BETWEEN

The Management of the Chairman,
Balasore Gramya Bank,
Vivekananda Marg, Srikanthapur,
Balasore-1, Orissa. . . 1st Party-Management.

AND

Their Workman represented through
The General Secretary, Balasore Gramya Bank
Employees Association, Vivekananda Marg,
Srikanthapur, Balasore-1, Orissa. . . 2nd Party-Union.

APPEARANCES :

Shri Ramesh Chandra Mohakud,
Senior Manager. . . For the 1st Party-Management.

None. . . For the 2nd Party-Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12011/7/98-IR(B-I), dated 26-2-1999 :—

"Whether the action of the Management of Balasore Gramya Bank, Balasore, in transferring Shri Dhirendra Kumar Pani, Treasurer of the Union without observing the direction or the Hon'ble High Court of Orissa is justified? If not to what relief the workman is entitled to?"

Since the date of reference i.e. 26-2-1999 the Union who has raised the dispute has not complied the direction of the Ministry of Tribunal to file the Claim Statement. The case is between the parties and the Union has got no interest in the negligence of the Union. The silence and the indifferent attitude of the Union suggests that presently no dispute exists between the parties and the Union has got no interest in the matter and has got no cause of action.

3. In view of the above facts no dispute award is passed and the Union is not entitled for any relief.

4. Reference of the above facts no dispute award is passed Dictated and Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-09-2001 को प्राप्त हुआ था।

[मं.एल-12012/202/96-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2615.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 3-9-2001.

[No. L-12012/202/96-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. ID 219/98

Shri Meshar Lal C/o
The Asstt. General Secretary,
State Bank of India, Staff Association,
S.B.I. Main Branch, Rohtak . Workman.

Versus

The Asstt. General Manager,
S.B.I. Zonal Office, Haryana,
Sector-8-C, Chandigarh. . Management.

APPEARANCES:

For the workman : None.
For the management : None.

AWARD

(Passed on 1st of August, 2001)

The Central Govt. vide notification No. L-12012/202/96 IR (B-I) dated 12-8-1997 has referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of SBI, Chandigarh in not appointing Shri Meshar Lal, Part time sweeper as full time permanent employee is legal and justified? If not, to what relief the workman is entitled to?"

2. Today the case was again fixed for filing of claim statement by the workman. None has put up appearances on behalf of the workman. The case is pending for the last about 3-12 years. No claim statement has been filed. It appears that workman is not interested to pursue with the present reference. In view of the situation since no claim statement has been filed the present reference is returned to the Ministry for want of prosecution. Appropriate Govt. be informed.

Chandigarh,

1-8-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार नदिन के बीच के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-09-2001 को प्राप्त हुआ था।

[मं.एल-12012/375/99-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2615.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 3-9-2001.

[No. L-12012/375/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. ID 17/2000

Shri Kanhiya Lal, C/o
Bhartiya Mazdoor Sangh,
Office-Vishwa Karma Bhawan,
Neelam Bata Road,
Faridabad.

Workman

Vs.

The Manager,
State Bank of India,
Chawla Colony,
Ballabgarh, (Haryana)

Management.

APPEARANCES:

For the workman : None.
For the management : None.

AWARD

(Passed on 30th of July, 2001)

The Central Govt. vide notification No. L-12012/375/99 IR (B-I) dated 13th of January, 2000 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of S.B.I. in terminating the services of Shri Kanhiya Lal w.e.f. 31-12-1998 is just and legal? If not, to what relief the workman is entitled to?"

2. Today the case was fixed for filing of claim statement. Despite several notices none has put up appearance on behalf of the workman nor any claim statement has been filed for the last about 1-1/2 years. It appears that workman is not interested to pursue with the present reference. In view of the workman, since no claim statement has been filed, the reference is returned to the Ministry for want of prosecution. Appropriate Govt. be informed

Chandigarh

30-7-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक

विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, विशाखापटनम के पंचाट को प्रकाशित करना है, जो केन्द्रीय सरकार को 03-09-2001 को प्राप्त हुआ था।

[मं.पुल-12014/01/2001-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2617.- In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 3-9-2001.

[No. L-12014/01/2001-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman and
Presiding Officer.

Dated : 20th day of July, 2001

I.T.I.D. No. (C)24/2000

This Petition is filed U/Sec. 2A(2) of the I.D. Act, 1947

BETWEEN

Ganireddy Nagaraju,
S/o Padantayya,
R/o Bayyavaram,
Kasimkota Mandal,
Anakapalli, Visakhapatnam Distt. ... Workman.

AND

(1) The Regional Manager,
State Bank of India,
Regional Office,
RTC Complex, Visakhapatnam

(2) The Branch Manager,
State Bank of India,
Anakapalli Branch,
Near Sub-Registrar Office,
Anakapalli, Visakhapatnam Distt. ... Management.

This dispute coming on for final hearing before me in the presence of Sri Moinuddin, Advocate for workman and Sri M. Ramdas, Advocate for management. Upon hearing the arguments of both sides and on perusing the entire material on record, the Court passed the following :

AWARD

(1) This is an application filed under Sec. 2A(2) of the Industrial Disputes Act, 1947 for reinstatement with back wages and also to regularise the services of the workman.

(2) The workman is an ex-serviceman. He is employed by the management, to work in its branch, Anakapalli as temporary security guard w.e.f. 24-12-1992. The workman approached the management for regularisation of his services in the year 1997 and the Chief Security Officer informed him that he has to undergo cataract operation and obtain fitness certificate from the I.N.H.S. Kalyani. Accordingly the workman underwent cataract operation in the month of May, 1987 and submitted sick certificate and fitness certificate but he was not regularised and said that he will be considered in the next recruitment drive and he was allowed to serve till 28-11-1999 and thereafter he was retrenched from service orally without obtaining any reasons. Thus, the workman have worked for 618 days for the period of 7 years and his termination is illegal and he got issued lawyer's notice dated 5-6-2001 and the same was received by the management on

13/14-6-2000 but no reply was given and he got registered his name for employment in the Zilla Sainik Board and it was renewed upto 11-10-2001. Therefore, he is to be reinstated and his services are to be regularised on par with the other employees who are placed in the similar circumstances.

(3) The management opposed the same stating that this application is not maintainable. The claim made by the applicant do not made under the retrenchment, dismissal, discharge or termination so as to approach this court under Sec. 2A(2) of the I.D. Act. Even otherwise, it is the Central Government that has to refer the dispute to this Tribunal for adjudication, as the petitioner is claiming regularisation of services. It is also the further case of the management that the services of the petitioner were taken as and when the services are needed in case the regular employees goes on leave and the management engaged the workman only on temporary basis in November, 1999. Thereafter his services were not engaged as he attained the age of 45 years and even otherwise the management is not bound to engage the services of the temporary workmen. He worked temporarily in the leave vacancies for 3 days in the year 1992, 73 days in the year 1993, 56 days in the year 1994, 63 days in the year 1995, 76 days in the year 1996, 105 days in the year 1997, 126 days in the year 1998 and 116 days in the year 1999. The details thereof are set out in the statement appended to the counter. The petitioner worked only on daily wages and his services could not be regularised when the regularisation drive took place in the year 1997 on account of the Cataract in the eye of the workman. There is not promise given by any officer to the workman to regularise his services because he attained the age of 45 years by 28-11-1999 and 45 years is the upper age limit. The workman was disengaged when he attained the age of 45 years and therefore there is no question of retrenchment as per Sec. 25F of the I.D. Act. Hence the petition is liable to be dismissed.

(4) The second respondent adopted the counter filed by the 1st respondent.

(5) On behalf of the workman, the workman is examined as WW1 and got marked Exs. W1 to W15. On behalf of the management, no witnesses are examined Exs. M1 to M3 are marked.

(6) Heard both sides.

(7) The points that arise for consideration in this application are :

(1) Whether the petitioner is entitled for reinstatement with back wages?

(2) Whether the services of the workman are to be regularised on par with the other similar employees whose services are regularised by the respondent?

(8) Point No. 1 and 2 : The learned counsel appearing for the workman contends that the petitioner is an ex-serviceman and his services were taken as a security guard by the respondent bank on 24-12-1992 as his name is sponsored by Distt. Sainik Welfare Board. In the year 1997 when his case has come up for consideration for regularisation of the services, he was asked to undergo an operation for cataract and his case will be considered later. Accordingly he underwent the Cataract operation in the month of May, 1997 and obtained medical fitness certificate for Civil Employment dated 15th April, 1997 which is marked as Ex. W9. But his case was not considered and he was allowed to work even thereafter till 28-11-1999 and terminated his services on the ground that he attained the superannuation age of 45 years. He made representations to the Labour Officer, Anakapalli, Asstt. Commissioner of Labour, Visakhapatnam, Regional Manager and Branch Manager of the respondent and also sent a copy to the Zilla Sainik Board and he worked for 618 days continuously and his name was also renewed for employment registration upto 11-10-2001. Hence his services are to be regularised.

(9) The workman is examined as WW1 and through the workman, Ex.W1, the representation to the Secretary and others dated 18-2-2000, Ex. W2 the Security Training certificate, Ex. W3 the army certificate of education, Ex. W4 is the xerox copy of the discharge certificate, Ex. W5 is the record sheet, Ex. W6 is the identity card, Ex. W7, the certifi-

ificate issued by the medical officer, INHS Kalyani, Visakhapatnam Ex. W8 the genuineness certificate, Ex. W10 xerox copy of the statement, Ex. W11 office copy of the lawyer's notice are marked. WW1 in his cross-examination admitted that he never worked in any year for 240 days continuously and that whenever a regular incumbent is on leave he was appointed in that post during the period of absence of the regular employee. He also admitted that in the year 1997 he did not get the call letter for the interview as he has to undergo cataract operation. But his colleagues were called for the interview and the services of 100 to 150 guards were regularised. He also admitted that for recruitment of a security guard the maximum age limit is 45 years and in the year 1997 there was recruitment and thereafter no recruitment to regularise his services of guards.

(10) Therefore, from the above said admissions it is clear that he will be allowed to serve under the respondent till he attains the age of 45 years, he was not called for interview for regularisation along with his colleagues, as he was having the cataract.

(11) On the other hand, the counsel appearing for the respondent bank contends that because of the cataract in the eye of the workman, he is disqualified for regularisation and as such he was not called for the interview and the regularisation drive took place in the year 1997 as admitted by the workman himself and that as per Ex. M3, the maxi-by the workman himself and that as per Ex. M3, the maxi-and Ex. M3 is the circular No. PLR/42/90 dated 27th October, 1990. The educational qualification prescribed as per the circular dated 17th August, 1991 Ex. M2 for a security guard is 5th standard pass and Ex. M1 is the letter received from the Government of India, Ministry of Finance dated 8-8-1990 prescribing the educational qualifications as 5th Standard pass for the post of security guard.

(12) Therefore, the counsel appearing for the management contends that by the time of recruitment drive for regularisation in the year 1997, the workman was medically unfit because of the cataract and there was no subsequent regularisation drive till 20-11-1999, the date of superannuation of the workman. The age of superannuation for the post of a security guard of ex-service man is 45 yrs. as per Ex. M3. Therefore, this is not a case of retrenchment and it is only a case as retirement on attaining the superannuation. Further, it is not a case where the services of the workman were not regularised on par with the other similar employees because he was medically unfit by them and he was not called for the interview and as such, his services were not regularised in the year 1997. Therefore, regularisation also cannot be ordered to this workman. Even otherwise, an application under Sec. 2A(2) of the I.D. Act does not give the relief of regularisation to the workman and the dispute is to be referred by the Central Government under Sec. 10 of the I.D. Act. As rightly contended by the learned counsel appearing for the State Bank, this is not a case where the petitioner's services were illegally retrenched nor there is any material for the workman to show that he served for 240 days in 12 months preceding to his retrenchment. Therefore, the relief under Sec. 25F of the I.D. Act cannot be granted to the workman. Similarly the relief of regularisation also cannot be ordered in this application as this is only an application filed under Sec. 2A(2) of the I.D. Act. Thus, in any view of the matter, the present application does not lie. Hence I answer both the points against the petitioner and in favour of the respondent.

(13) However, the learned counsel appearing for the workman contends that the age of 45 years is relaxed now by virtue of Ex. W15 circular issued by the Head Office of the management and as per Ex. W15 there is no age limit prescribed to consider the case of ex-service man employee for the recruitment/appointment as Armed Guards or watchmen. However, the Ex. W15 also shows that the candidate should have worked for a minimum aggregate period of 90 days as on 31-3-2001 for recruitment of Armed Guards/Watchman and the present workman has got all the requisite eligibility criteria stipulated in Ex. W15 and as such, his case is to be considered for recruitment. As rightly stated above since this is an application filed under Sec. 2A(2), the relief for regularisation cannot be ordered. However, considering the facts and circumstances of the case and the unfortunate situation under which the present workman is placed, a direction to the management to consider the case of the petitioner in the ensuing recruitment of the ex-service men

employees as Armed Guard/Watchman of the management. Accordingly, a direction could be given while disposing of this application.

(14) In the result, the application is dismissed, nil award is passed. However, a direction is given to the management to consider the case of the petitioner in the coming recruitment drive for Armed Guards/Watchmen from the ex-service men employees and that the petitioner is also directed to submit his application to the concerned when called for. However, there is no order as to costs and each party is directed to bear its own costs.

Dictated to stenographer by her given under my hand and seal of the court this the 20th day of July, 2001.

K. VEERAPU NAIDU, Presiding Officer

APPENDIX OF EVIDENCE : WITNESSES EXAMINED

For Workman : WW1 : G. Nagaraju For Management : None.

DOCUMENTS MARKED

For Workman :

- Ex. W1 : 18-2-2000 : Representation to the secretary and others and corresponding acknowledgements.
- Ex. W2 : 17-9-1992 : Security Training Certificate.
- Ex. W3 : -- : Army certificate of education.
- Ex. W4 : -- : Certificate of discharge.
- Ex. W5 : -- : Record sheet.
- Ex. W6 : -- : Identity card.
- Ex. W7 : 24-7-97 : Medical certificate.
- Ex. W8 : 21-8-98 : Verification of Genuineness of medical category.
- Ex. W9 : 15-5-1997 : Medical fitness certificate for civil employment.
- Ex. W10 : Xerox copy of the statement show that the workman worked in the bank.
- Ex. W11 : 5-6-2000 : Office copy of the lawyer's notice.
- Ex. W12 : 12-6-2000 : Postal receipts.
- Ex. W13 : 13-6-2000 : Postal acknowledgement.
- Ex. W14 : 13-6-2000 : Postal acknowledgement.
- Ex. W15 : 6-7-2001 : Circular issued by the State Bank of India Zonal Office, Regional, Visakhapatnam.

For Management :

- Ex. M1 : 8-8-1990 : Circular issued by the Govt. of India, Ministry of Finance, Department of Economic Affairs.
- Ex. M2 : 17-8-91 : Circular issued by the General Manager (Operations) State Bank of India.
- Ex. M3 : -- : Circular issued by the General Manager (Planning) SBI.

नई दिल्ली, 5 सितम्बर, 2001

का.आ. 2618— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेवलपमेंट क्रेडिट बैंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-09-2001 को प्राप्त हुआ था।

[सं. एल-12012/197/97-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th September 2001

S.O. 2618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Development Credit Bank Ltd. and their workman, which was received by the Central Government on 3-9-2001.

[No. L-12012/197/97-JR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer

Reference No. CGIT-2/45 of 1998

Employers in relation to the Management of Development Credit Bank Ltd., Mumbai.

The Managing Director,
Development Credit Bank Ltd. (New Name).
Development Co-operative Bank (Old Name).
O/o AGM Zone-1,
1st Floor,
154, S.V. Patel Street,
Dongri,
Mumbai-9.

AND

Their Workmen

The Vice President,
Development Co-op. Bank Employees Union,
Fidai Baug,
9, Silver Jubilee Bldg.,
V.P. Road,
Andheri-400058.

APPEARANCES :

For the Employer : S/Shri P. K. Rele, R. N. Shah & A. M. Pota, Advocates.

For the Workmen : Shri V. A. Pai, Advocate.

Mumbai, dated 2nd August, 2001

AWARD - PART-II

By the interim Award dtd. 3rd February, 2000 (Exhibit-29) my Learned Predecessor held that Mr. A. A. Charania is the workman of the Bank within the meaning of Section 2(s) of the Industrial Disputes Act, and that domestic inquiry conducted by the bank management, against him, vitiated as it was against the Principles of Natural Justice and fair play. He further held that the findings recorded by the inquiry officer however are not perverse. Consequently he directed the bank management to lead evidence to justify its action, of dismissal of Mr. Charania.

2. Facts of the case concerning to the point which is now to be determined by this tribunal in short are as under :

Mr. A. A. Charania joined the service in the bank as clerk in the year 1978. He became officer in 1988. Bank employees union came into existence in 1984 of which Mr. Charania was instrumental in its formation and since then he was elected General Secretary of the union till his dismissal. It is contended in the year 1995, the management decided to convert the bank from Co-operative Society into a Joint Stock Company, to the Prejudice of the workmen and the Share holders in general. Therefore, the union decided to challenge the same and consequently authorised Mr. Charania as General Secretary, to do the needful and consequently they challenged the act of the management, on conversion of bank before the Co-operative Court vide proceeding No. CCI/95 of 1995. It is contended the Co-operative Court by Ad-interim injunction restrained the management from passing any resolution on conversion. The management appealed the said Ad-interim order before the Appellate Co-operative Court, which partly modified the order of Co-operative Court. However violating the injunction order of the Co-operative Court, the management carried out the conversion as Deve-

lopment Credit Bank Limited. The union filed contempt proceeding No. 10 of 1995 for committing breach of injunction order before the Maharashtra State Co-operative Appellate Court on 20-6-1995, which was not liked by the management.

3. It is contended, Mr. Charania, General Secretary of the union used to attend the office of Assistant Labour Commissioner (C), Labour Court and the High Court in connection with the union matters. Consequently he was unable to attend the office in time. Therefore he was entrusted with the job of attending cash book and trial balance. It is contended feeling aggrieved against the filing of contempt petition as above, on 22-6-95, he was instructed by bank to take charge of the Current Account Department with immediate effect, which job was never entrusted to him, during the entire period of his service. Mr. Charania was not allowed to sign the muster roll and he came to be marked as absent by the Branch Manager though he was present in the office. It is contended the Branch Manager Mr. Gagwani persuaded him to withdraw the contempt petition which he did not agree, as the same was filed by the union, wherein he had no say. Consequently it is contended, the management chargesheeted him by the letter dtd. 7-9-95, charging that he committed (i) Willful insubordination or disobedience of any lawful or reasonable order of the superiors (ii) absence without leave for more than 16 consecutive days (iii) late attendance for not less than four occasions within a month (iv) commission of any act subversive of discipline or good behaviour in the premises of establishment. The inquiry officer concluded the inquiry on 25th May, 1996 holding Mr. Charania guilty for the charged misconduct. The Disciplinary Authority on the basis of the inquiry report, passed order of dismissal of Mr. Charania from the services of the bank, from 28th May, 1996. Mr. Charania appealed the said dismissal order before the Appellate Authority who in turn, after giving personal hearing, upheld the decision of dismissal on 6-1-97. Mr. Charania contended that, he is a protected workman, who has been terminated for his union activities victimising by adopting unfair labour practice and consequently prayed for reinstatement in service with back wages.

4. Management's case is that Mr. Charania was working as officer in Mohammed Ali Road Branch where his duty hours were from 9.45 a.m. to 5.30 p.m. On 22nd June 1995 at about 11.30 a.m. when Mr. Charania reported for duty, the Bank Manager Mr. P. Gagwani directed him to take charge of the Current Account Department which he refused to do, saying that such communication should be given to him in writing, though the work assigned fall within the ambit of the normal duties of the person concerned and it was not a practice to give any written instructions for day to day work. It is contended, as a special case, the officer concerned was given written instructions. However, inspite of receiving he did not take charge of the Current Account Department. He was issued written instructions on 27-6-95 and again on 4-7-95 but in vain, and that he wrote a letter dtd. 4-7-95, making false allegations. It is contended on 5-7-95 with illustrated list of duties he was given written instructions to take charge of current account department, however, inspite of getting the same, he did not take charge and by letter dtd. 22-7-95 he informed that the duties mentioned, were not duties of those employed in officers cadre but are Managerial and Administrative in nature and was not concerned to his designation. He was again on 29-7-95 informed by the bank making the position clear on the duties. However, by making false allegations by letter dtd. 21-8-95 he ultimately refused to take charge. It is contended that Mr. Charania was reporting late for duty from 22-6-95 to 1-7-95, but he signed the muster roll on these days. He was absent on duty without prior permission or intimation to the bank, since 3-7-95 till the date of chargesheet i.e. 7-9-95. Bank wrote a letter dtd. 14-7-95 asking him to report for duty, however, instead of attending the duty, he continued to remain absent without leave for over two months and by the letter dtd. 22-7-95 he alleged that the management was marking him absent in the muster roll since 3-7-95 and not allowing him to do his duty. It is contended since the officer concerned Mr. Charania, used to attend the bank late, remained absent from duty and did not obey the lawful orders of the superiors and in general his acts are subversive of discipline. The bank issued him chargesheet on 7-9-95. It is contended that in the elections of the union a new body was elected. Mr. Charania is not the 'protected workman.' He was dismissed for his grave acts of misconduct and for maintaining discipline in the bank and consequently their action is justified.

5. Record shows that on leading evidence by both the parties and hearing the counsels, My Learned Predecessor passed interim Award dtd. 3-2-2000 (Exhibit-29) on preliminary issues at Sl. Nos. 1, 2 and 3 vide Exhibit-12, dtd. 15-10-98. The same was challenged by management in Writ Petition No. 755 of 2000, before the Hon'ble High Court, Bombay. By the order dtd. 30th June/4th July, 2000 (Exhibit-33A) the Hon'ble Single Judge of Bombay High Court, had dismissed the petition. The bank preferred appeal No. 675 of 2000 and the Division Bench of Hon'ble High Court, by order dtd. 4-10-2000 (Ex-34) and order dtd. 25-1-2001 (Exhibit-41) set aside the order of Single Judge of Hon'ble High Court, keeping open to both the sides to agitate contentions urged in Writ Petition, before the Hon'ble High Court in case the tribunals Award goes against the bank and consequently directed the Tribunal to decide the point regarding misconduct, under reference.

6. Now this tribunal in view of the position, has to decide Issue No. 4, 5 & 6, framed by my Learned Predecessor at Exhibit-12, in the light of the evidence led by the parties, after passing interim Award. Management to justify its action on dismissal of Mr. Charania examined Bank Manager, Mr. Kamzanali Lakhani (MW-1), Manager, Mr. Prakash Bachumal Gagwani (MW-2), Assistant Officer, Mr. Nizar Nurali Parmar (MW-3), Mr. Hemant V. Karnik (MW-4), Mr. Nizar N. Dhuka (MW-5), vide Exhibits-46, 50, 52, 53 and 54 and management closed evidence vide purshis (Exhibit-55). Shri A. A. Charania, examined himself alone, vide (Exhibit-58) and closed evidence vide purshis (Exhibit-60).

7. I have heard the Learned Counsel Shri R. N. Shah for the bank management and Shri V. A. Pai for Mr. Charania. I have gone through the written submissions filed by both parties at Exhibit-64/66. On hearing the Counsels at length and going through the written submissions and the record as a whole, I record my findings on the issues for the reasons stated below:

Issues	Findings
4. Whether the action of the management in terminating the services of the workman Charania is legal and justified?	Yes
5. Whether the action of the management of non-payment of wages to Charania since July 1995 is justified?	Yes
6. If not, to what relief he is entitled to?	He is not entitled to any relief.

REASONS

8. At the threshold it is to be noted that the bank management had conducted domestic inquiry against Mr. Charania. However, as stated above, that held to be vitiated as Principles of Natural Justice and fair play were not followed. Therefore in view of Section 11-A of the Industrial Disputes Act, and in the light of the observations made by the Hon'ble High Court in W.P. and the Hon'ble Supreme Court in Necta Kapilish Vs. Presiding Officer, Labour Court, 1999 CLR 219 this Tribunal, on giving opportunity to the parties to lead fresh evidence, to prove the charges, has to scrutinise the evidence and to adjudicate upon the basis of such fresh evidence as to whether the action of the management is justified.

9. To justify the action of the management on dismissal of Mr. Charania from the banks services from 28-5-96 for the charges as reproduced by me in para 3, relief on the oral as well as documentary evidence on record. So far the first charge, wilful insubordination or disobedience of any lawful or reasonable orders of the superiors is concerned, Assistant Branch Manager Mr. Lakhani disclosed that during 1993 to 1997 he worked in Mohd. Ali Road Branch where Mr. Charania was working as officer dealing with cash book and trial balance checking and added that he was verbally rotated to current account department on 22-6-95, where duties, to allot work to the staff working under him, to check their work, to sanction their leave and to report to higher authorities, were to be performed. However, he did not take charge of that department/section and insisted in writing, through the Branch Manager, Mr. Charania rotated the officers from one section to another, verbally. Mr. Ghagwani deposed

the effect that while working as Branch Manager on the material day in the beginning he verbally instructed Mr. Charania to take charge of Current Accounts Department as per the circulars of the R.B.I. and Head Office, however he insisted for instructions to be given in writing and accordingly on the very day, i.e. gave him instructions in writing pg. 289/Exhibit-13/4. However, he did not take charge and added that on 26-6-95 Mr. Charania in writing asked him as to which duties are to be performed in the current accounts department though he was aware. He was given list of the duties of Current Accounts Department on 5th July, 1995 by page. 294/295 (Exhibit-13/4). However inspite receipt of the list of duties he did not take charge. He disclosed that within a period of two years, staff members are normally rotated as per the circulars. Mr. Charania was rotated already in Term Deposit somewhere in the year 1989 and in Current Account Department in 1983, and that during his tenure as Branch Manager in Mohd. Ali Road Branch, he had rotated many staff members on verbal instructions and accordingly they took charge and reported to him. Mr. Parmar (MW-3) affirmed that he worked in various departments/sections of the bank from time to time as per the oral instructions of his superiors i.e. Branch Manager, Assistant Manager and reported to them. During the material period he was posted as Assistant Officer in the Mohd. Ali Road Branch where Mr. Charania was posted as officer dealing in Cash Book and Trial Balance. Mr. Karnik (MW-4) affirmed to the effect that, he also worked in various sections departments of the bank. After promoting as Assistant Officer in 1993, he was posted in Advances, Current, Savings and Clearing Department and further affirmed that, he was rotated in various departments, on verbal instructions by the Branch Manager/Assistant Branch Manager. In Mohd. Ali Road Branch he was rotated for preparing proposals for the financial limits, current accounts, opening and passing the cheques etc., and he reported accordingly to Branch Manager. It is in the evidence of Mr. Dhuka (MW-5) that he was posted in various departments of the bank and on promotion as officer, he worked in Operation department in 1998, in Central Recovery Cell in 1999 and presently posted in the same post in 2000 and reported to Assistant Manager. He clearly affirmed that he was so transferred on verbal instructions of his superiors, and that no instructions for job rotation were given in writing.

10. In cross-examination, Mr. Lakhani disclosed that during his tenure of two years no rotation was given to Mr. Charania, however, he admits Mr. Charania was given rotation before he joined the Mohd. Ali Road Branch and that he had seen him doing work of Fixed Deposit. He saw him checking entries and put initials and that Mr. Ghagwani in his cross-examination pointed out that, during his tenure he did not give work o. Current Account Department to Mr. Charania except on 22nd June 1995. He denied that as Mr. Charania filed contempt petition against management on 20th June, 1995 he had rotated Mr. Charania as above. Mr. Parmar pointed out in his cross-examination that he had not seen Mr. Charania working in Current Account Department in Mohd. Ali Road Branch.

11. It is seen from the record, in the beginning on 22-6-95 Mr. Charania on verbal instructions of the Branch Manager, Mr. Gagwani, did not take charge of Current A/c Department saying written instructions are required, and when written instructions were given on the very day evening, he said that duties given were of managerial/administrative cadre, and further contended that since he never worked except in cash book and trial balance, he did not take charge. On this back ground it is necessary to see whether the instructions given by the Branch Manager were reasonable and lawful, and then question crops on whether these were wilfully disobeyed resulting insubordination. Admittedly, Mr. Charania used to report to the Branch Manager, Mr. Gagwani, when attached to Mohd. Ali Road Branch. On 22-6-95 at 11.30 A.M. Mr. Gagwani asked him to take charge of Current Account Department. He admits that Branch Manager rotate the staff. However, according to him those instructions were required to be in writing. He admits that he was not given duties in writing to be done when he took charge of cash book and trial balance section in Mohd. Ali Road Branch. He deposed that he had asked duty list to that effect from then Manager. However, correspondence to that effect is in the cupboard of union which is sealed by the management. That cupboard is admittedly not owned by Mr. Charania. He stated that he can give the names of the employees who are not at all rotated and rotated only, with written instruc-

tions. However, in the second breath, he states that he does not remember names of such employees. It is to be noted that according to him as disclosed in para 13 employees who were rotated in writing are in service. Mr. Charania therefore could have very well examined the concerned employees who were according to him not rotated at all and those rotated were so rotated in writing. He admits the Branch Manager decides which employee should be rotated from one section to another. This shows that the Branch Manager Mr. Gagwani rotated Mr. Charania to Current Account Department from cash book and trial balance department as per the practice and circulars and Mr. Charania admitted as above, did not take charge though he was instructed in writing. So far the contention of Mr. Charania that there are some employees who were never rotated in their service and that he was rotated as he had filed contempt petition against the management, is concerned, he has not filed any documentary evidence to that effect nor named any one, who states that, being the General Secretary of the union, possesses the documents however kept in union cupboard. It is to be noted that Mr. Charania was chargesheeted on 7-9-1995 and was dismissed on 28-5-1996, he was not suspended, therefore he could have very well moved the concerned authority in order to get his files alleged to be sealed in cupboard by bank, however that is wanting. His contention that since he is doing union work he has not been rotated at all and since beginning he is doing the work in cash book and trial balance section, and that he was so rotated on 22-6-1995 due to his union activities, is concerned, he admits he had worked in term deposit section, though in the beginning he showed his ignorance. In cross-examination para 37 he admits TDR's vide list (Exhibit-61/2) bear his signature as concerned officer. The TDR's are of the period January 1987 to July, 1990. Apart from this, Mr. Charania in the beginning in his cross-examination para 36 tried to state that he had not worked in current accounts section. However, he had to admit that for opening the account, customer has to fill up the form and after verifying the same by the concerned officer, the form is to be forwarded to open the account. He denied that forms shown to him with list (Exhibit-61/1) bear his signatures, further he denied that he filed up performance appraisal from every year. He denied that the appraisal report enclosed with (Exhibit-61/4) are in his hand writing. However he had to admit in cross para 37 that every employee/officer has to give such form every year, and after seeing the appraisal form shown to him vide (Exhibit-61/4) he states, that pertains to him and contents therein are correct. In cross-examination para 51 Mr. Charania admits, there are two to three sections/departments in the bank i.e. savings and current accounts section, advance accounts, receipt and payment, cashiers section and term deposit. He states that during his entire tenure of service he only worked in cash book and trial balance. The appraisal form (Exhibit-61/4) mentions, he worked in outward clearing, cash, cheques, term deposits including recurring deposits and general accounts. This shows that Charania worked also in other sections/departments, and that he deposed far from truth that, since beginning he worked only in cash book and trial balance. Therefore it is not that, for the first time, Charania was rotated to Current Account Department and that those duties were of Managerial/Administrative cadre. He admittedly did not take charge of the section to which he was rotated till his dismissal, on 28th May, 1996.

12. The Learned Counsel Mr. Shah for the management submits that Mr. Charania in cross-examination para 31 replied that employees are rotated from one section to another section in the bank to obviate fraud. He questioned why Mr. Charania insisted to continue to work in one section only i.e. cash book and trial balance, for the purpose of committing fraud. He was put question in para 31. "Whether employee has lien in a particular post or section?" He replied saying not correct. However this has been answered in appropriate words by His Lordship of Bombay High Court in "The Janta Commercial Co-operative Bank, Akola Vs. Member Industrial Court 1996 L.I.C. 2812, para 5,

"Transfer is never a condition of service and rather it is an incident of service and thus it is always open to the employer to trans-

fer the employee in the interest of administration and no vested right is created in favour of the employee to a particular place of posting."

His Lordship of Bombay High Court in Shivaji More Vs. Estate Manager, Maharashtra State Farming Corporation Ltd. and Another 1996(72) F.I.R. page 447 observed :

"It is well settled that in matters of transfer, the employee who has been served with, the transfer order must first report to the place where he is transferred and thereafter make a representation to take out legal proceedings there against. The inconvenience arising from transfer have been held by the Supreme Court to be 'normal incidents' of service not justifying interference with transfer orders. In fact these are considerations which would apply even cases of employee transferred from one town or city to another town or city."

In the case in hand Mr. Charania was not transferred from one place to another place but from one section to another section in the same branch i.e. Mohd. Ali Road Branch, Mumbai. Therefore Mr. Charania does not and cannot seek to claim a vested right in the cash book and trial balance department/section.

13. Learned Counsel Mr. V. A. Pai for Mr. Charania inviting attention of this tribunal to the written submissions urged that Mr. Charania attended some work other than cash book and trial balance in order to attend the customers in the interest of the bank though he was not entrusted with that job, therefore it cannot be said that he was rotated for the other job than cash book and trial balance and urged that for the first time, during his career, on 22-6-95 he was rotated feeling ill that, he had filed contempt petition. One can understand about attending the customers by Mr. Charania as Public Relations Officer, but, making signatures on the valuable instruments like FDR's invites responsibility, and that has to be done only to whom the work is officially allotted. TDR's referred in list (Exhibit-6-1/2) pertain to the period 1987—1990, and not for a stray period. Since Mr. Charania categorically admits that he worked in TDR and as seen from the record, he also earlier attended the work of current accounts, hardly can be said that for the first time, he was rotated and if at all, he was so rotated as urged by Mr. Pai for the first time, in view of the decisions referred to above, since no vested right is created in favour of the employee to a particular posting, and when staff is rotated to obviate fraud, hardly lie in the mouth of Mr. Charania that he can not do allotted work except the work which according to him he is doing since beginning.

14. Mr. Charania admits in cross-examination para 37 that as per the settlement of 1986 promotions are given on written test and interview and that he was promoted in 1988 by written test and interview. Since the promotions are given on written test, naturally one has to go through the circulars and banking rules. Mr. Charania, was General Secretary of the union since its inception till dismissal i.e. more than 12 years, therefore, he must be having experience

of sections concerned, therefore, it is difficult to say that he was not aware on the duties to be performed in current accounts section, and that for the first time, he was rotated there, for alleged ulterior motive.

15. It has come in the cross-examination of Mr. Charania para 41, that the duties vide list provided to him, were of Managerial cadre which he is unable to perform. He is not aware what duties Mr. Gagwani as Branch Manager was performing, "Whether he used to supervise the work of all staff/officers in various departments in the Branch". He is also not aware which departments work Mr. Gagwani was doing. According to him, he had taken the matter on allotting him work of Current Account Department, to the management through union as seen from cross-examination, para 43. However, he is unable to show any documents to that effect. According to him letter pg. 102 (Ex-11) is in connection with the same. However, this letter was admittedly written by Mr. Charania in his personal capacity. This shows, union did not take up the matter in this context, though Mr. Charania was its General Secretary since beginning. Had this issue been against the banking rules and procedures, Charania would have taken it through union, however, that he did not do, for the reason that the work allotted to him, was to be performed by the concerned officer

16. Mr. Charania is subordinate officer to the Branch Manager, Mr. Gagwani and Assistant Manager, Mr. Lakhani. He is duty bound to obey lawful orders of superior officers. It is apparently clear that he has disobeyed the order discussed supra, and a person whose disobedience becomes insubordinate his conduct amounts to insubordination. Their Lordships of Bombay High Court in *Sarabhai M. Chemicals Ltd. Vs. M. S. Ajmere* and Another 1980 1 L.J pg. 295, held :

"A solitary instance of disobeying lawful order and not several repeated instances of disobedience are necessary for sustaining charge of insubordination."

The discussion supra clearly shows that the instructions given by the superior i.e. Branch Manager were reasonable and lawful and that those were wilfully disobeyed by Mr. Charania.

17. The bank management has charged Charania on his absence without leave for more than 10 consecutive days. It is in the evidence of Mr. Lakhani (MW-1) that Mr. Charania did not work at all, in Current Accounts Section though he was instructed and that he did not report for duty from 3rd July, 1995. Mr. Charania admittedly did not attend the work of Current Accounts Section till his dismissal i.e. 28th May, 1996. In cross-examination para. 44 he disclosed that he got three saving accounts in Mohd. Ali Road Branch. After 3rd July, 1995 he visited the bank for operating the said accounts. This shows he remained absent from duty assigned to him from 22-6-95 till the date of his dismissal on 28-5-96. According to Mr. Charania, as stated in para 16 of affidavit (Exhibit-58) he was not allowed to do any job and started marking him absent since 3-7-95 and kept him in isolation and added in para. 18 that he

was not allowed to sign the muster roll and came to be marked as absent by Branch Manager, though in fact on the dismissal day he was present and served a notice of his dismissal in the bank premises, personally. The Learned Counsel Mr. Pai submits that the Branch Manager, Mr. Gagwani did not take any action against Mr. Charania, itself indicates that the charge is meritless. Absence referred in charge denotes absence from duty assigned, and not from the premises. Mr. Charania admits that he attended the bank for operating his saving accounts, but, he admittedly did not take charge of the work allotted to him which amounts to absence from duty without leave.

18. The third charge levelled against Mr. Charania was late attendance for not less than four occasions within a month. Mr. Gagwani disclosed that working hours in Mohd. Ali Road Branch were 9.45 a.m. to 5.30 p.m. with a grace period of 15 minutes. Further, he added that employees who come late they used to report on them, to head office and disclosed that Mr. Charania used to report around 11.30 a.m. and therefore, they could not write timing in the Daily Attendance sheet against his name, and that he had counselled him to report in time. Mr. Lakhani who was working as Assistant Branch Manager, when Mr. Charania was working as officer in the branch, disclosed that staff members who come late, used to sign in the late attendance register kept with the Branch Manager. However, Mr. Charania used to report on duty after 11.00 a.m. by making signature in the muster roll. Mr. Parmar also deposed in his evidence that Charania was attending the office after 11.00 a.m. Mr. Dhuka (MW-5) who was working alongwith Mr. Charania, in cross-examination disclosed that, as Mr. Charania was not coming to the office in time, he used to tell the same to Branch Manager and that Branch Manager used to allot the work of Mr. Charania, to some other officer, Mr. Karnik (MW-4) who was working in the branch during material period disclosed that, when he attended office late, zonal office and Central Office had verbally warned him for improving his attendance and that Branch Manager had counselled him to attend the office in time. In short, the witnesses above deposed that Mr. Charania was attending the bank late. According to Mr. Charania as stated in affidavit para. 6 he was allowed to report late as he used to attend courts/Conciliation proceedings/grievances of staff, being the General Secretary of the union. In cross para. 35 he has disclosed that whenever Conciliation work going on, he was attending office late. He replied to the question of the Learned Counsel for the management that in the settlement of the year 1986 and 1990 union had made demand to allow the General Secretary or any other office bearer to represent the union before the authorities, on duty, however, those were not settled, and still be continued to attend before the authorities on duty. The Learned Counsel Mr. Pai inviting attention of this Tribunal to the record of the bank filed with (Exhibit-24) submits that as routine, name of Mr. Charania finds place in the daily report and that no action was admittedly taken against him as he was doing the work of union. Mr. Charania admits he was given Memo by the General Manager dated 21-2-91, by which letter he was cautioned to report

in time and not to do union work, on duty. In cross-examination para. 35, Mr. Charania admits, whenever Conciliation work going on, he was going to the office late and had not applied for leave. He had not taken permission for doing the union work during office hours, whenever he signed, the muster was kept at the entrance. From the evidence of Mr. Charania, itself it is clear that he was late comer. Mr. Charania being the servant and the management being the master under the service contract, so as to have control over the servants whose prime duty is to serve the bank, attending the office in time, and that not attending the office in time amounts to act subversive of discipline.

19. The management has charged Mr. Charania for commission of any act subversive of discipline or good behaviour on the premises of the establishment. Their Lordships of Supreme Court in Palghat BPL and PSP Toxhilali Union Vs. BPL India Ltd. & Anr. II LLJ 142 ruled that :

"Any act subversive of discipline committed even outside the premises is a misconduct." Further Their Lordships of the Supreme Court in Disciplinary Authority-cum-Regional Manager, Central Bank of India and Ors. Vs. Nikumja Bihari Patnaik II LLJ 1996 pg. 185 observed that "Acting beyond ones authority constitutes misconduct. It is clearly seen from the admissions of Mr. Charania that he was doing union work during office hours, without permission from the management, while on duty he was attending courts/conciliation authorities/industrial tribunal without permission, he was not attending bank in time and signing the muster without any leave application. He flouted the instructions of the superiors by not attending the Current Account Department, in the beginning, insisting for written instructions though not required and on receiving the instructions, also. The Learned Counsel Mr. Shah for the management at this juncture, urged with force that, the bank can function without the union but the union cannot function without the bank. All the employees of the bank have been selected and appointed only to perform duties connected with the banking operations carried on by the bank, their appointment to various categories of post in the bank is for the performance of the duties attached to the respective post, the salaries are fixed with reference to the qualifications of the employees and the nature of duties to be performed by them, the appointment of any employee in an industrial concern is not for his participation in trade union activities on salaries paid by the establishment but for his performance of duties at his respective post in the industrial institution. He submits that Mr. Charania went on to state that since he was General Secretary of the union management did not take action against him. He was supposing himself Supreme and in the guise of union, he flouted the orders/directions of the superiors adamantly which many acts are subversive of discipline for this he relied on the decisions of the Hon'ble courts filed with list (Exhibit-65).

20. Mr. Pai urged with force that Mr. Charania was General Secretary of the union since beginning, whose aim was to see welfare of the employees, in order to revise the service conditions, he had signed settlements and that when the union through General

Secretary filed contempt petition on 20th June, 1995 on the second day i.e. 22nd June, 1995, Mr. Charania was abruptly transferred to Current Accounts Department from earlier work which can be done by him at any time since he had to attend court matters. He submits Mr. Charania was given facilities as General Secretary to ventilate the grievances of the employees, however, these facilities have been withdrawn immediately after he went against the management, and that finding grounds, he was found at fault and inhumanly dismissed him for his union activities, which is indicative of malafide/victimisation, unfair labour practice.

21. So far the allegation of mala fides is concerned, Their Lordships of the Supreme Court in Syndicate Bank Ltd. Vs. Its workmen 1966 I LLJ pg. 440 observed :

"The industrial tribunal should be very careful before it interferes with the orders made by the banks in discharge of their Managerial functions, and that findings of mala fides should be reached by the tribunals only if there is sufficient and proper evidence in support of findings and that such findings should not be reached capriciously or on flimsy grounds."

In Sakhar Kamgar Union Vs. Kumbhi Kasari Sahakari Sakhar Kharkhana Ltd. and Ors. 1994 I C.L.R. pg. 555, His Lordship of Bombay High Court observed :

"Transfer from one department to another at the same place would not amount to unfair labour practice on the part of the Karkhana."

In Ahmedmiya Ahmedji C/o. Bharatiya Kamgar Sena Vs. Indian Hume Pipe Co. Ltd. and Ors., 1997 II CLR pg. 636, while considering the scope of Section 11-A of the Industrial Disputes Act, His Lordship of Bombay High Court observed :

"When inquiry is held unfair, while deciding the question as to whether the action of the employer is justified the court will keep in mind the genesis of the dispute which lead to the agitation of the workers."

While considering the point as regards victimisation it is relevant to quote the observation of Their Lordships of the Supreme Court in M/s. Bharat Iron Works Vs. Bhagubhai Balubhai Patel and Ors., 1976 LIC pg. 4 :

"Ordinarily a person is victimised if he is made a victim or a scapegoat and he is subjected to prosecution. Prosecution or punishment for no fault or guilt of his own in the matter as it were of a sacrificial victim. It is therefore manifest for actual fault or guilt meriting the punishment is established, such action will be writ off the tan of victimisation. Victimisation is a serious charge be an employee against the employer and therefore, it must be properly and adequately pleaded giving all particulars upon which the charge is based to enable the employer to fully meet them. The charge must not be vague

or indefinite being as it is an amalgam of facts as well as inferences and attitudes. The onus of establishing the plea of victimisation will be upon the persons pleading it. The charge of victimisation being serious reflecting to a degree upon the subjective attitude of the employer all particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

In the case in hand, it is apparent that Mr. Charania has not pleaded nor pointed out any instance except one on filing of contempt petition which is not at all concerning to the union wherein he had no say, as seen from his Statement of Claim. Mr. Charania disobeyed the orders of the superiors, he attended the office late, he absented himself from duty his acts are subversive of discipline, in the light of the observations referred to above, it is clearly seen that the bank employee and in particular the bank officer failed to maintain devotion to duty, diligence, integrity and honesty, hardly can be said that the bank's action is vindictive and amounts to unfair labour practice.

22. It is seen from the record Mr. Charania as General Secretary of the union had filed contempt petition against the management on conversion of the bank. He is share holder of the bank. In cross-examination para 46, Mr. Charania admitted that Co-operative Court directed him to withdraw name of the union and to proceed with the dispute in the capacity of a shareholder. Five shareholders filed a dispute before the Co-operative Court. In cross-examination para 44 he admits that even after conversion, the union continued, also the members. He is unable to tell as to what sort of prejudice is caused to the employees after the conversion and on the change of service conditions of the employees/officers. It is to be noted that Mr. Charania in his Statement of Claim, clearly averred that he had no say in the contempt petition. That petition was the outcome of the resolution passed by the office bearers amongst which one Mr. F. A. Vaz was the President of the Union and Mr. Hinayath Khan, Shukla and Menon were committed members. Out of these three, two were office bearers and one who was member of Managing Committee, are still in service. When Mr. Charania had no say in the matter, and that other office bearer referred to above, including the President who persuaded the petition are still in bank service, hardly can be said that action of the management is vindictive against Mr. Charania.

23. It is clearly observed by Their Lordships of Bombay High Court in *Blue Star Ltd. Vs. Blue Star Workers Union and Ors.* 1996 I C.L.R. pg. 673 :

"Trade Union activities performed by the office bearers of the union are solely for the benefit and welfare of the workmen of the bank and not connected with the banking institution itself or the members of the public, whose interest the banks are intended to serve. It will therefore be a fundamental mistake to allow confusion to prevail and deem the duties rendered by the office bearers to the union as part of the duties rendered to the bank."

Further their Lordships observed :

"Trade Union activity has won universal recognition and it has a twin objective that is safeguarding the interests of the workers ushering the industrial peace. Even so, its secondary role or character cannot get effaced. For whatever reasons the management may have deemed it fit or conducive to grant duty relief at an anterior point of time, the legal status of that act is only that of a concession and not a matter pertaining to the condition of service, and further observed that :

"Trade unionism is recognised all over the world but that does not mean that the office bearer of the union can claim as of right that he can do union work during office hours."

In view of the observation by Their Lordships referred supra, the very bone of contention of Mr. Pai that, Charania was doing work of employees union therefore he was since beginning, dealing cash and trial balance, attending the bank late, is devoid of substance.

24. Mr. Charania affirmed in his affidavit para-25 that he is 'protected workman' and therefore his dismissal is against law. In cross-examination para 53 he disclosed that he has evidence to show to that effect. He relies on the letters dated 31-11-96, pg. 108, Exhibit-11 and pg. 470-476 (Ex.-13), pg. 1 Exhibit-57. On perusal of those papers alongwith other record, nowhere finds that bank recognised him as a protected workman. Assuming for the sake of argument, Mr. Charania is a protected workman, considering the misconduct on his part in the guise of General Secretary of Union, which is grave in nature, hardly can be tolerated by management that too in banking industry wherein absolute devotion, diligence, punctuality is to be strictly observed as held by Their Lordships of Supreme Court in *Union Bank of India Vs. Vishwa Mohan*, 1998 4 SCC pg. 310 :

"It needs to be emphasised that in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer. If this is not observed the confidence of the public/depositors would be impaired."

Therefore the contention of Charania that he is protected workman and therefore he cannot be touched at all and he can do as he chooses being the office bearer of the union, at the cost of management is hard to digest.

25. Admissions of the adversary is the best evidence. Admission given by Opponent Mr. Charania during his searching cross-examination itself it is clear that he wilfully disobeyed the order of the superiors, attended office late as per his choice, absented himself voluntarily from duty assigned to him, did acts subversive of discipline which amounts to misconduct. Management's action is based on the above said proved misconduct.

26. So far the action of dismissal of Mr. Charania from the bank service is concerned, the Learned Counsel Mr. Pai urged with force that it is shockingly disproportionate. He submits tribunal can interfere with the order of management considering the particular conduct and his past record. He has put about 17 years in bank, he is a law graduate, officer in the bank, had been General Secretary of the union since its formation. Therefore error on the part of the management on imposing severe punishment can be corrected by this tribunal relying on M/s. Hind Construction Engineering Co. Ltd. Vs. Their Workman, AIR 1965 SC 917 and the decision of the Bombay High Court in Ahmedji C/o Bharatiya Kamgar Sena Vs. Indian Hume Pipe Co. Ltd. & Ors. He submits in the case on hand basic question crops as to whether lesser penalty can be imposed as has been pointed out in Alliance Mills (P) Ltd. Vs. State of West Bengal 1990 1 CLR 875 of which xerox copy is filed with Exhibit-66. On perusal of cross-examination of Mr. Charania from which it is evident Mr. Charania in the first breath states that he had not signed any FDR's, however, later on he admits to have signed, he straight away stated that he never worked in his entire tenure in other departments, in the bank except in cash book and trial balance sections, however, he had to admit that he did work in TDR and other sections including Current Accounts Section referred to above. He states on oath that he was General Secretary till his dismissal i.e. 1996, however, still he signed the Statement of Claim as General Secretary filed in 1998, he claims to have challenged the election of the office bearers and named one Mr. Mahajan as General Secretary, however still he ventured to states that he does not remember the name of the committee members of the union, he states on oath that he availed the benefits of settlements of the year 1986 and 1990 meant for workmen and also he availed the benefits for the officers vide officers association. He, who worked about 17 years in the bank and got promotion on the basis of written test and interview, dated to state that he does not know what work is to be done by the Manager. He admits straight away that he went to Delhi for union work without leave, he did union work while on duty i.e. during office hours without permission of the management. The Learned Counsel Mr. Shah at this juncture inviting attention of this tribunal to the detail cross-examination of Mr. Charania submits that this employee who is interested in doing only union activities, making false allegations on management, has no regard of oath, having tendency to depose else by suppressing facts is a burden to the bank who lost faith, cannot be retained in the service of the bank, and from this point of view, only punishment of dismissal is apt. I have gone through the rulings cited by Mr. Pai and the overall evidence on record, which clearly pointed out that Mr. Charania committed major misconduct cannot be looked lightly, in order to keep peace in banking industry I find such force in the submission of counsel for management Mr. Shah. Action of the management of dismissal of Mr. Charania from the service of the bank in view of the discussion supra, is just, legal and proper, totally justified.

27. On perusal the record it is apparently seen that Mr. Charania did not take charge of Current Ac-

count Department disobeying the directions of the Branch Manager, dated 22-6-1995, thereby he absented himself from duty. Mr. Charania clearly recited in his claim statement para. 9 that bank directed him to collect his legal dues if any from the bank, after completing the formalities as required, and that the bank of their own, settled the accounts and paid certain amounts towards legal dues. Since Mr. Charania did not take charge of accounts section till his dismissal, the management is justified in not making him payment of wages since July, 1995. Consequently Mr. Charania is not entitled to any relief. Therefore, issues are answered accordingly and hence the order :

ORDER

The action of the management, Development Credit Bank Ltd., Mumbai in terminating the services of the workman, Shri A. A. Charania and not giving him wages since July, 1995 is just, legal, proper and justified, and consequently he is not entitled to any reliefs.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ सेंट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-41012/66/93-आई आर (डी यू)/(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2619.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 3-9-2001.

[No. L-41012/66/93-IR(DU)/(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT "SHRAM SAHAN", III MAIN,
III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated 27th August, 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni, B. Com., LL.B.,
Presiding Officer, CGIT-Cum-I about Court,
Bangalore.

C.R. No. 35/94

I Party:

B. H. Kakargal,
(Deceased)
No. 7/3, Arvindnagar,
Old Hubli,
Hubli-24.
(Advocate—Shri M. S. Anandaraman)

II Party:

The Divisional Railway Manager,
South Central Railway,
Hubli-580 020.
(Advocate—Shri R. A. Daiveekan)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. I-41012/66/93-IR(DU) dated 28th March, 1994 for adjudication on the following schedule:

SCHEDULE

"Whether the management of South Central Railway, Hubli is justified in removing Shri B. H. Kakargal from service? If not, to what relief the workman is entitled?"

2. The first party workman was working with the Second Party as Khalasi. Subsequently he was promoted. He committed misconduct and charge sheet was issued to him. Enquiry was conducted against him and on the basis of enquiry report he was removed from the service. Therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. It is seen from the records that during the pendency of this dispute original workman died and his LRs were brought on record. The case of the workman in brief is as follows:—

5. Late Shri B. H. Kakargal joined the services of the Second party with effect from 17-11-1962 as Khalasi. He was promoted and he was discharging his duties with utmost devotion. He belongs to Scheduled Caste Community. Charge sheet was issued under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The charge was that he failed to observe the Engineering Speed Restriction Board at 78/1-2 KM and restricted the speed of his train to 30 KM per hour, apply brake and he failed to discharge his duties properly.

6. It is the further case of the first party that the enquiry was conducted against him but the Enquiry Officer acted as judge and Prosecutor and the enquiry is not correct. The enquiry officer was biased. The report of the enquiry officer is not correct and the action of the management is not proper. Late 2863 GI/2001—20.

first party workman for these reasons and for some other reasons has prayed to pass award in his favour.

7. The case of the management in brief is as follows:

8. It is the case of the management that the late first party workman was involved in many cases earlier and he was punished. Regarding enquiry it is said that the same is correct and enquiry was properly conducted.

9. It is further said that the appointment of presenting officer is not mandatory under discipline and Appeal Rules, 1968. The enquiry was conducted as per rules. The misconduct was proved and on the basis of enquiry report workman was removed. Management for these reasons has prayed to reject the reference.

10. It is seen from the records that on behalf of the management MW1 was examined and on behalf of the original workman his wife was examined.

11. It is seen from the records that both the advocates did not appear and the matter being old, therefore, the case was posted for orders.

12. I have carefully perused all the documents and the evidence. According to the evidence of MW1 he conducted enquiry.

13. It is seen from the records that this tribunal by its order dated 3rd September, 1999 has held that Domestic Enquiry is proper and gave finding in affirmative.

14. Now that the enquiry is held as fair and proper the LRs of the Late First party workman has to establish that the enquiry is not proper and the report is perverse and the punishment is disproportionate. Nothing is made out by WW1 so as to say that the enquiry report is perverse.

15. There is no material before us to interfere with the order passed by the disciplinary authority and there is no merit in this reference. Further the original workman is also no more. Accordingly I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 27th August, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2620 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार नार्वेन रेलवे के प्रबंधन के संबंध में निदेशक औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-41012/127/87-डी-II (बी)/प्रार्थी (बी-1)]

अध्यक्ष कुमार, वैरक अधिकारी

New Delhi, the 4th September, 2001

S.O. 2620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 3-9-2001.

[No. L-41012/127/87-D-II(B)/IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. I.D. 50/89

General Working President,
Uttar Railway Karamchari Union,
96/196, Roshan Bajaj Lane,
Ganesh Ganj, Lucknow, U.P. ... Union.

Versus

Senior Divisional Personnel
Officer, Northern Railway,
New Delhi. ... Management.

APPEARANCES :

For the Workman/Union—Shri V. C. Kalia.

For the Management—Shri N. K. Zakhmi.

AWARD

(Passed on 13th of August, 2001)

The Central Government vide Notification No. L-41012/127/87-D-II(B) dated 20th of March, 1989 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of Sr Divisional Personnel Manager Northern Railway, New Delhi in denying the promotion to Shri Vidhya Sagar Sharma, Ambala Cantt. Driver ‘A’ grade(S) w.e.f. 30-8-84 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?”

2. The workman has filed his claim statement in which he has not pleaded the facts in details but in replication requisite details have been given. Therefore, on perusal of claim statement and replication, the claim of the workman is in brief that on 1-6-1981 he was working as driver grade ‘B’. The post of the driver grade ‘B’ was upgraded w.e.f. 1-6-1981 and he was placed in the pay scale of Rs. 550-700(RS) but the arrears w.e.f. 1-6-1981 were not paid to him. Besides this his juniors were promoted to the post of driver grade ‘A’ w.e.f. 30-8-1984. He has given the names of his juniors. He has requested this Tribunal to accept his claim for issuing directions to the management for payment of arrears of salary. He has also prayed that

the promotion of his juniors w.e.f. 30-8-1984 be set aside.

3. The management has filed its written statement raising an preliminary objection that the application filed by the workman is not maintainable u.s. 33-C (2) of the I.D. Act 1947. The management has pleaded that the certain posts of drivers grade ‘B’ in the pay scale of Rs. 425-640 were upgraded in the grade of Rs. 550-700(RS) w.e.f. 1-6-1981. The workman was upgraded and placed in this scale on 1-6-1981 but the arrears were paid w.e.f. 10-5-1982 because he was working as power controller in the grade of Rs. 550-700 (RS). During the period from 1-6-1981 to 10-5-1982, He was promoted as driver (A) special w.e.f. January, 1985. No person junior to him was promoted superseding him. Shri Yash Pal son of Shri Dev Raj was junior to the workman who was promoted w.e.f. 19-11-1985. The workman has not given the rather’s name of other employees so the management is unable to give the full details. The management has prayed that the claim of the workman be dismissed with heavy cost.

4. The workman has filed his affidavit Ex. W1 and documents Ex. W2 to Ex. W10. The management has submitted the affidavit of Ram Kishan which is Ex. M1. The workman has deposed in his affidavit that the post of driver grade ‘B’ were upgraded w.e.f. 1-6-1981 but arrears were paid to him w.e.f. 10-5-1982. He was not promoted on 30-8-1984 whereas the other employees junior to him were promoted. The order of the upgradation is Ex. W7 in which the name of the workman is appearing at Sr. No. 113. As per column No. 6, he was upgraded w.e.f. 1-6-1981 to the post of driver grade ‘A’ in the scale of Rs. 550-700(RS). At that time he was working as officiating A.I.F. at Taglakabad. At that time he was getting his salary in the pay scale of Rs. 425-640. The directions for payment of arrears was given in this column. It has been mentioned that his pay should be fixed in upgraded pay scale of Rs. 550-700(RS) w.e.f. 1-6-1981.

5. The witness of the management has deposed that the workman was working as driver grade ‘B’ in the scale of Rs. 425—640. Some of the posts of driver grade ‘B’ were upgraded w.e.f. 1-6-1981 in the grade of Rs. 550—700 (RS). The arrears were allowed to the workman w.e.f. 10-5-1982 because prior to this date he was working as power controller in the grade of Rs. 550—700. The workman has admitted in his cross-examination that he had worked as Asstt. Loco Foreman from the year 1975 to 1982. During that period he was getting his salary in the grade of Rs. 550—700. It reveals that the upgraded pay scale of driver grade B (Rs. 550—700) and the pay scale of Asstt. Loco Foreman (Rs. 550—700) were identical. Therefore, the workman is not entitled to get the arrears of upgraded scale w.e.f. 1-6-1981 to 10-5-1982.

6. The reference order relates to the promotion of the workman on the post of driver grade ‘A’ special w.e.f. 30-8-1984. The workman has deposed that he was not promoted on 30-8-1984 whereas other junior drivers were promoted on that date. But the witness of the management has deposed that the workman was promoted to the post of driver ‘A’ special during the month of January 1985, Shri Yash Pal was promoted

w.e.f. 19-11-1985 who was junior to the workman. The workman has pleaded in his claim statement that Shri Ram Parkash, Hari Kishan, Gorkhu Ram, Ram Jiwan, Yash Pal and Shri Parkash Chand were promoted to the post of driver grade 'A' special wide order dated 30-8-1984 but in his affidavit he has not deposed regarding his promotion. The witness of the management has deposed that the workman was promoted during the month of January 1985 and Shri Yash Pal was promoted w.e.f. 19-11-1985 who was junior to the workman. The testimony of the witness of the management has not been controverted by the workman. Therefore, it can not be held that juniors persons were promoted superseding the workman on 30-8-84. Thus the workman has failed to establish that he was denied promotion to the post of driver grade 'A' special on 30-8-1984. Consequently he is not entitled to get any relief from the management.

7. The learned representative of the workman has cited the case of Karam Dass and others Vs. Som Parkash (AIR 1986 Punjab and Haryana 89) in which it has been held by Hon'ble Punjab and Haryana High Court that if any relief has not been claimed in the plaint but the pleadings and evidence is clear the relief claimed can be granted by the Court. This case law relates to order 7, Rule 7 of C.L.C. But this case law is not applicable because the Tribunal is required to give the answer with reference to the term of reference. This Tribunal can not go beyond the scope of reference order. Therefore, the relief relating to the arrears of pay can not be granted to the workman. Besides this the arrears of upgraded pay scales has already been paid to him as per discussions made in preceding paragraph.

8. On taking into consideration the facts and circumstances of the case and the evidence adduced the reference is answered by holding that the action of Sr. Divn. Personnel Manager, Northern Railway, New Delhi in denying the promotion to the workman Shri Vidya Sagar Sharma, Ambala Cantt. driver grade 'A' (S) w.e.f. 30-8-1984 is legal and justified. Consequently he is not entitled to get any relief. Both parties shall bear their own costs. Appropriate Government be informed accordingly.

B. L. JATAV, Presiding Officer
Chandigarh,
13-8-2001.

नई दिल्ली, 4 सितम्बर, 2001

का.सं. 2621:—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार नार्दन रेडवे के प्रबंधन के संबंध में निषेधों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/थम न्यायालय चक्री-गढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-09-2001 को प्राप्त हुआ था।

[सं.एन-41012/130/94-आई.आर. (बी-1)]

अथ कुमार, उपाध्यक्ष

New Delhi, the 4th September, 2001

S.O. 2621.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 3-9-2001.

[No. L-41012/130/94-IR(B-I)]

AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 97/95

Kanwar Pal Singh S/o Shri Buecha
Singh C/o B. R. Prabhakar,
District President, Lok Mazdoor
Sanghthan, 63-C, Kailash Model Town,
Ambala Cantt. ... Workman.

Vs.

Divisional Railway Manager,
Ambala Division, Northern Rly.
Ambala Cantt. ... Management.

APPEARANCES :

For the Workman : None.

For the Management : Shri N. K. Zakhmi.

AWARD

(Passed on 1-8-2001)

The Central Government vide notification No. L-41012/130/94-IR(B-I) dated 30th of April, 1995 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of DRM, N. Rly. Ambala Cantt. Division in terminating the services of the Kanwar Pal Singh Ex-gangman w.e.f. 11-12-1989 on the medical ground and not considering him for the lower post after re-medically examination for the same, is just and fair and legal? If not what relief the workman is entitled and from what date?"

2. Today the case was fixed for evidence of the workman. Despite several notices, none has put up appearance on behalf of the workman. It appears that workman is not interested to pursue with the present reference. In view of the above situation, since no body is appearing on behalf of the workman despite notices, the present reference is returned to the Ministry for want of prosecution. Appropriate Government be informed.

Chandigarh

1-8-2001.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2622.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-09-2001 को प्राप्त हुआ था।

[सं. एन-41012/169/97-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th September, 2001

S.O. 2622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 3-9-2001.

[No. L-41012/169/97-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-2/29 of 1998

Employers in relation to the management of Central Railway, Nagpur,
Through its Divisional Operating Manager,
Office of the Divisional Manager,
Central Railway, Nagpur-440001.

AND

Their Workmen,
Vinay S/o Sitaram Patrange,
R/o Gawande's House,
Rahate Colony, Wardha Road,
Nagpur-440001.

APPEARANCES :

For the Employer : Ms. D. Fernandes, Adv.
holding for Mr. Suresh Kumar.For the Workmen : Mr. V. Narayanan, holding
for Representative Mr. Kazi.

Mumbai, dated 1st August, 2001

AWARD PART-II

By the interim Award dated 13th July, 1999 (Exhibit-18) my Learned Predecessor concluded that the domestic inquiry conducted by the Central Railway against Mr. Vinay Sitaram Patrange, vitiated as it was against the Principles of Natural Justice and fair play,

and that findings recorded by the inquiry officer are perverse. He held that tribunal has jurisdiction to decide the reference. The interim Award was challenged by management, Central Railway, vide writ petition No. 54 of 2000 and the Hon'ble High Court, Bombay, vide their order dated 1st February, 2000 (Exhibit-25) confirmed the order on fairness of inquiry and the perversity of the findings, however kept open point as regards jurisdiction to be challenged alongwith the Award on merits before the Hon'ble High Court and further directed the tribunal to decide the point on misconduct of the workman, on leading evidence. Therefore this tribunal has to decide whether management's action of removal of Mr. Patrange, is justified.

2. Facts of the case concerning to the point which is new to be determined by this tribunal in short, are as below :

Mr. Vinay Sitaram Patrange was appointed with the Central Railway, Nagpur as casual mechanic in 1970 and thereafter he was regularised as points man in the year 1979, and in 1991 he was transferred at Sindhi from Nagpur Main Station. It is contended on 20-4-95 the management chargesheeted Mr. Patrange alleging that he absented himself unauthorised manner during the period :—

February 1994	—14 days
June 1994	—08 days
July 1994	—31 days
August 1994	—31 days
September 1994	—30 days
October 1994	—31 days
November 1994	—08 days
January 1995	—31 days

Total	184 days
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It is contended, by remaining absent unauthorisedly Mr. Patrange committed a serious misconduct. The inquiry officer held guilty Mr. Patrange for that misconduct. On the basis of the inquiry report, the Disciplinary Authority removed him from service w.e.f. 19-6-96. Mr. Patrange appealed the said order before the Appellate Authority, however that was turned down on 30-10-96, against which revision was preferred before the Senior Divisional Operating Manager, however that ended in confirming the order of dismissal on 3-1-1997. It is contended Mr. Patrange made representation against order of dismissal before the A.L.C. (C), Nagpur. However, conciliation failed. Consequently Ministry sent the matter by way of reference. Mr. Patrange contended that during the alleged unauthorised absence period he was ill and therefore he had submitted applications alongwith medical certificate. He contended that he has no source of income. His minor children and ailing wife are depend on him. He has not committed any misconduct and that the punishment of dismissal is shockingly disproportionate and consequently he be reinstated in service with continuity and back wages.

3. Management's case is that Mr. Patrange in one place contended that he was sick and in another place he contended that his wife was sick. He has not applied for leave nor submitted medical certificate and

that he remained absent from duty unauthorisedly for about 184 days. It is contended that the workman is habitual absentee and therefore action of his dismissal is justified.

4. Record shows that on leading evidence by both the parties and hearing the counsel, my Learned Predecessor passed the interim Award dated 13th July, 1999, on preliminary issues at Serial Nos. 1, 2, 3 vide Exhibit-10, dated 10-9-1998. The same was challenged by the management in Writ Petition and that the Hon'ble High Court by the order, directed the tribunal on leading evidence, to decide whether Mr. Patrange committed any misconduct, as stated above, under reference.

5. In view of the position now this tribunal has to decide Issue Nos. 4 and 5 framed by my Learned Predecessor at Exhibit-10, in the light of the evidence led by the parties, after passing interim Award. Management to justify its action on dismissal of Mr. Patrange relied on the affidavits of Mr. Gajanan Phuse, Pharmacist (MW-1) working in Central Railway Hospital (Nagpur); Mr. T. B. Chowre, Station Master Sindh (MW-2) and Mr. Topre, Head Clerk (MW-3) vide (Exhibit-38; 39 and 41) and closed evidence vide purshis (Exhibit-44). Mr. Patrange in rebuttal, filed affidavit (Exhibit-45) and closed evidence vide purshis (Exhibit-46).

6. I have heard the Learned Counsel Ms. D. Fernandes, holding for Adv. Shri Suresh Kumar for the management and Shri Narayanan, holding for representative Mr. Kazi for Mr. Patrange. I have gone through the written submissions filed by the management (Exhibit-48) and the Representative (Exhibit-49).

7. On hearing the counsels at length and going through the written submissions and the record as a whole, on the following issues, I record my findings for the reasons stated below :

Issues	Findings
4. Whether the action of the management in removing from service Shri Vinay Sitaram Patrange w.e.f. 19-6-96 is justified ?	No
5. If not, to what relief and benefits the workman is entitled to ?	As per order below.

REASONS

8. At the outset it is to be noted that the management conducted domestic inquiry against Shri Patrange. However as stated above, that held to be vitiated as Principles of Natural Justice and fair play were not followed and consequently findings of inquiry officer were found perverse and when the management challenged the same, the Hon'ble Bombay High Court confirming those findings, directed this tribunal to decide the point as regards misconduct giving opportunity to lead evidence. Therefore in that light and in view of Section 11-A of the Industrial Disputes Act, and in the light of the observations made by the

Hon'ble High Court in W.P. and the Hon'ble Supreme Court in Necta Kapilish Vs. Presiding Officer, Labour Court, 1999 CLR 219, the management led evidence to justify its action on dismissal of Mr. Patrange remaining absent for duty unauthorisedly which according to them amounts to misconduct.

9. Mr. Chowre (MW-2), Station Master working at Sindh where Mr. Patrange was working as points-man affirmed that during the period February 1994 to January 1995 Mr. Patrange remained absent, without application. He further affirmed that Mr. Patrange submitted medical certificate of Medical Superintendent Nagpur covering the leave period 29-10-94 to 8-11-94, but not filed the medical certificate for the period 24-6-94 to 28-10-94, and that according to him, he was habitual absentee. The Head Clerk Mr. Topre (MW-3) affirmed that Mr. Patrange was absent from 24-6-94 to 8-11-94 for which he marked him absent, in muster roll and that as per the record he was sick from 27-5-94 to 14-6-94 for which he produced medical certificate from railway hospital, Nagpur. Mr. Phuse (MW-1) who works as a pharmacist in Central Railway Hospital, Nagpur affirmed that Mr. Patrange did not undergo any treatment at the railway hospital during the material period.

10. Management had charged Mr. Patrange for his unauthorised absenteeism from duty from February 1994 to January 1995, and action of the management is based on the absence of this period. Unauthorised absence means remaining absent from duty without application for leave and medical certificate. Mr. Patrange in his affidavit clearly deposed that, he was sick during the material period and that he had submitted application alongwith medical certificate to the concerned department, and therefore he was not absent unauthorisedly.

11. In the case on hand, crucial point is whether Mr. Patrange absented himself from duty unauthorisedly during the period from February 1994 to January 1995. Admittedly during the material period he was working as points-man under the supervision of Mr. Chowre, Station Master, Sindh, therefore evidence of Mr. Chowre is relevant. Needless to say, admissions of the opponent is the best evidence. Mr. Chowre in his cross-examination para 18 admits that employee had given application supported by medical certificate during the material period February 1994 to January 1995. On answering to the question put by Advocate for Mr. Patrange, he states that Mr. Patrange had produced medical certificate of railway dispensary for the period 27-5-94 to 14-6-94 and 29-10-94 to 8-11-94, which covers the period in dispute for the year 1994.

12. On plain reading the absence period as mentioned in the charge sheet and stated in written submissions (Ex. 48/pg. 8) is about 184 days. However, on the findings of which inquiry, Mr. Patrange was dismissed, absence period was shown 159 days i.e. 24-6-94 to 28-10-94 and 31-12-94 to 31-1-95. Assuming for a moment, Mr. Patrange was absent during February 1994 to January 1995 for 184 days, the Station Master Mr. Chowre under whose supervision Mr. Patrange was working, unequivocally pointed out

that the employee had submitted application supported by medical certificate during the absence of 1994 to 1995. It is significant to note that according to Head Clerk Mr. Topre on production of medical certificate, Mr. Patrange resumed duty at Sindhi Station on 22-11-95. As seen from the admission of Mr. Topre, department has no grievance on the absence of Mr. Patrange prior to February 1994 to January 1995, necessarily follows that considering the application supported by medical certificate, Mr. Patrange was allowed to resume on 22-11-95.

13. It is clearly seen from the cross-examination of Mr. Patrange that as a points-man he has to show signal to the train, he has to work 8 hours during rotation period of 24 hours and unless reliever comes, earlier points-man has to continue after 8 hours, thereby his services are essential as fortified by the evidence of Senior Clerk Mr. Topre. This Head Clerk who maintain the leave account of the staff including Mr. Patrange, reported on the absence of Mr. Patrange to the higher authority for the first time, on 13-6-95. Admittedly no memo was issued to Mr. Patrange for his absence even before he was chargesheeted. It is in the cross examination of Mr. Chowre that two months after 31-12-94 for the first time, he apprised on the absence of employee to his superior D.O.M. When services of Mr. Patrange are of essential category and that he was not informed even to resume on duty till chargesheet and that he was not given a single memo for his so-called unauthorised absence, clearly indicate that Mr. Patrange had given application supported by medical certificate, therefore his absence can not said to be unauthorised.

14. True it is Mr. Chowre in his cross-examination para 18 denied suggestion that Mr. Patrange had informed time to time on his absence supported by medical certificate. The Learned Counsel Ms. D. Fernandes for the railway management at this juncture, submits that evidence of the witnesses will have to be read as a whole and if we read his evidence as a whole, shows that Mr. Patrange had not applied nor produced certificate. This submission appears to be meritless for the simple reason that while giving answer to the question Mr. Chowre a responsible officer of the railway department, further made it clear that Mr. Patrange had produced medical certificate for the period 27-5-94 to 14-6-94 and 29-10-94 to 8-11-94 and not for remaining period. This shows that, he was fully aware on the production of the medical certificate by Mr. Patrange, atleast, for the period as stated by him above. Therefore considering this hardly can be said that he did not apply nor produced medical certificate, at all. It is seen from the evidence and also can be inferred easily from the evidence that, without production of certificate on absence, no employee can be allowed to resume on duty. The fact that Mr. Patrange was allowed to resume on duty on 22-11-95, itself shows he was allowed, as from application and certificate, his absence was found justified.

15. According to Patrange he had produced medical certificate from a private doctor, alongwith sick leave application. It is clearly seen from the evidence of Head Clerk Mr. Topre, a railway employee can take treatment from private doctor and that treatment

from railway dispensary, is not compulsory, therefore it is not necessary for Mr. Patrange to visit railway dispensary and on this background, searching cross-examination of Mr. Patrange is a futile effort, more so Mr. Phuse, pharmacist of Central Railway, deposed that he does not know Mr. Patrange nor seen him.

16. The Learned Counsel Ms. D. Fernandes for the management submits that, leave is a privilege and the same can be availed with permission and further submits that remaining absent without proper sanction of leave is unauthorised absence and that the rule only permits absence without leave in case of employees sickness provided he is covered under medical rules. Inviting attention of this tribunal to the evidence of Head Clerk Mr. Topre he submits that, Mr. Patrange is habitual absentee. He was absent on duty for many days as mentioned by him specifically in affidavit para 7, during the year 1991—1995, and as his increment was withheld for his unauthorised absence as also Mr. Patrange admitted in cross examination para 18, and therefore he being a habitual absentee and that in case of essential services like points-man, management's action of his dismissal is totally justified. Punishing an employee for unauthorised absence is different than remaining absent, giving application supported by medical certificate. The Learned Counsel Ms. D. Fernandes for the management submits that during the domestic inquiry Mr. Patrange pointed out that his wife was sick and in the appeal pointed out that he was sick. He had no stable stand, and that his changed stand itself gives scope for doubt on his bona fides. Mr. Patrange has deposed that during the material period he was sick and that his wife was also bad-ridden by paralysis. Station Master Mr. Chowre clearly admits that he had given application supported by medical certificate, therefore, hardly can be doubted on his bona fides, as urged by Ms. D. Fernandes.

17. The Learned Counsel Shri Narayanan urged with force that Mr. Patrange was not informed to resume duty, he was not given memo pointing on his absence before chargesheeting him, he had put about 26 years of service and that though he gave application supported by medical certificate his absence was treated as unauthorised and that management's action based on the inquiry report is totally illegal and unjustified. On going through the evidence as a whole, and the submissions of both the counsels the fact that management's witnesses admitted that Mr. Patrange had applied for leave for his sickness supported by medical certificate, hardly can be said that, his absence was unauthorised. The management's action of dismissal in view of the discussion supra, can safely be said to be not legal, proper and justified. Issues are therefore answered accordingly and consequently, management will have to be directed to reinstate him treating him in continuous service and pay him all consequential monetary benefits and hence the order :

ORDER

The action of the management of Divisional Operating Manager, Office of the D.R.M., Central Railway Nagpur in removing from service Shri Vinay S/o Sitaram Patrange,

Nagpur, w.e.f. 19-6-1996 is not legal, proper and justified. He be reinstated in service treating him in continuous service and pay him all consequential monetary benefits.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 5 सितम्बर, 2001

का.आ. 2623—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार केन्द्रित सेवा के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अस न्यायालय लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-09-2001 को प्राप्त हुआ था।

[मं. एल-41012/22/2001-आई.आर. (सी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th September, 2001

S.O. 2623.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 4-9-2001.

[No. L-41012/22/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, LUCKNOW

Presiding Officer : Rudresh Kumar.

Adjudication :

ID No. 82/2001

Ref. No. L-41012/22/2001/IR(B-I)

Dated 14-5-2001

BETWEEN

Sh. Peter Jhon
S/o Sh. Thomas
C/o Sh. B. K. Gupta
925, Gond Compound,
(Opp. Seventh Fax School)
Jhansi-284001.

AND

1. Work Manager (R),
Central Railway,
Workshop, Jhansi-284001
2. Dy. Chief Mech. Engineer (R)
Central Railway, Jhansi-284001

Chief Workshop Manager
Central Railway,
Workshop, Jhansi-284002.

AWARD

By reference No. L-41012/22/2001/IR(B-I) dated 14-5-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made over this industrial dispute between Sh. Peter John, Jhansi s/o Sh. Thomas and Work Manager (R), Central Railway, Workshop, Jhansi for adjudication. The reference is produced as under :

"Whether the action of the Work Manager (R), Central Railway, Workshop, Jhansi in terminating the services of Shri Peter John S/o Shri Thomas vide order dated 26-5-1993 is justified? If not, what relief the workman is entitled?"

Despite notice by the Ministry of Labour under Rule 10(B) of Industrial Dispute (Central), Rules (1957) and successive registered notices issued on 7-6-2001, 13-7-2001 and 7-8-2001 the workman did not file any claim statement. Postal endorsement on the envelope mentions that the workman does not reside on the given address. Management appeared but did not file written statement in the absence of claim petition.

These appears no prospect to procure attendance of the workman on the given address. Hence this reference is returned without any award on merit as "no claim award."

LUCKNOW

31-8-2001

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2624—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[मं. एल-20012/2/94-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 4th September, 2001

S. O. 2624.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman,

which was received by the Central Government on 3-9-2001.

[No. L-20012/2/94-IR (C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 4 OF 1995

Parties : Employers in relation to the management
of Kankanee Colliery of M/s. BCCL and
their workman.

Appearances :

On behalf of the workman : None.

On behalf of the employers : Shri S. N. Sinha,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 21st August, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/(2)/94 I. R. (Coal-I), dated, the 20th February, 1995.

SCHEDULE

“Whether the action of the management of Kankanee Colliery under Sijua Area No. V of BCCL in treating the date of birth of Sri Amrit Lal, Jaswar, Miner/Loaders as 12-4-1937 is justified ? If not, to what relief the workman is entitled ?”

2. The case of the concerned workman as per W. S. in brief is as follows :

It has been submitted by the concerned workman that initially he was engaged on the basis of contract labour in Coal raising at Tetulmari Colliery before nationalisation of the same. After nationalisation, the present management took step to all those contract workers including the concerned workman as permanent miner/loader with effect from 27-1-73 without any medical examination/assessment of age by the Medical Board. As a result, the management whimsi-

cally recorded his date of birth as 12-4-1937 in the Form B Register. Thereafter in Tetulmari Colliery he was transferred to Kankanee Colliery as Minor/Loader. Even at Kankanee Colliery inspite of repeated reminders to the management for rectification of his date of birth they did not consider necessary to do any thing in the matter. It has been alleged by the concerned workman that ultimately the management considered his case and forwarded him along with some other workman before the medical Superintendent for determination of age at Central Hospital Loyabad. But nothing was done there. On the contrary the management by letter dt. 28-10-91 disclosed that the date of birth recorded in the Form B registered maintained by Tetulmari Colliery was accepted by the management as the correct date of birth and for which they did not consider necessary to refer his case further to Apex Medical Board for determination of his age. As such the concerned workman raised industrial dispute before the ALC (C) Dhanbad for conciliation. As the conciliation failed, the present reference was made before this Tribunal.

2. The management on the contrary after filing W. S.-cum-rejoinder has denied all the claims and allegations which the concerned workman asserted in his W. S. Admitting the fact, the management submitted that initially the concerned workman was employed at Tetulmari Colliery from where he was transferred to Kankanee Colliery. The management submitted that on the basis of Last Pay Certificate issued by Tetulmari Colliery the date of birth and service particulars were recorded in the Colliery register. Further on verification from Tetulmari Colliery it was found that the date of birth recorded in the Form B Register and other register was 12-4-1937 and the concerned workman put his L. T. I in all the papers. In the year 1987 he was served with service excerpts after making necessary entries of various information including the date of birth recorded in it by the Colliery Authority with clear instruction that he may raise objection regarding wrong entry within 14 days with supporting documents. The concerned workman inspite of getting opportunities did not raise any objection in the matter of his age recorded in the Form B Register. The management further submitted that age determination committee, Central Hospital, Loyabad also did not consider necessary to undergo medical examination by the concerned workman in absence of any discrepancy in the matter of recording of age in different papers. The management further submitted that as per Implementation Instruction No. 76 issued by the JBCCI the concerned workman can only be sent to the Medical Board for

re-assessment of age where there is a glaring difference of age appearing in different official papers. But as no such discrepancy relating to the recording of the date of birth of the concerned workman came into existence there is no scope on the part of the management to consider the prayer of the concerned workman. In the result, the management has submitted prayer for passing necessary Award rejecting the prayer of the concerned workman.

4. The points for consideration in this reference are :

“Whether the action of the management of Kankanee Colliery under Sijua Area No. V of BCCL in treating the date of birth of Sri Amrit Lal, Jaswar, Miner/Loader as 12-4-1937 is justified. If not, to what relief the workman is entitled ?”

DECISION WITH REASONS

5. The management in order to substantiate the claim examined one witness while the concerned workman did not examine any witness in support of his claim. It is admitted fact that originally the concerned workman was an employee of Tetulmari Colliery and he entered into service there before nationalisation of the said colliery. It is seen that after nationalisation of the said colliery he was considered as permanent Miner/Loader under the management and thereafter he was transferred to Kankanee Colliery. It is the contention of the management that when he entered into service his date of birth in the service record i.e. Form B Register was recorded as 12-4-37. After his transfer to Kankanee Colliery not only they verified the records of Tetulmari Colliery but also considered papers relating to the service matters of the concerned workman sent by them. The management further submitted that not only in the Form B Register but also in the I. D. Card issued in favour of the concerned workman the same date of birth i.e. 12-3-37 was recorded. The age determination committee did not consider for medical examination of the concerned workman to determine his age as they did not find any discrepancy relating to the dispute about his date of birth. In support of the claim the management relied on Implementation Instruction No. 76. Referring this circular the management submitted under which circumstances the concerned workman can be referred before the age determination committee for determination of age. I have considered the Circular No. 76 and I fully agree with the view of the learned Advocate for the management.

6. It is the contention of the concerned workman that his date of birth 12-4-37 was not properly
2863 GI/2001—21

recorded by the management but in spite of claiming so the concerned workman was silent actually what was his date of birth. During hearing the concerned workman has failed to produce a single scrap of paper to show that the date of birth recorded in the Form B register Ext. M-1 was recorded erroneously and for which the same cannot be considered as an authentic document. It is seen that the year 1987 the management issued service excerpt to the concerned workman wherein his date of birth was clearly recorded as 12-4-37. The said service excerpts was duly received by the concerned workman. But in spite of issuance of that service excerpt the concerned workman did not raise any dispute at that time. It is the specific claim of the concerned management that the concerned workman has falsely raised the dispute after receiving the notice of his superannuation issued by the management (Ext. M-3). The concerned workman cannot avoid responsibility simultaneously to establish what was his exact date of birth. Particularly when from the available papers no discrepancy relating to his date of birth has been transpired. The concerned workman has got ample scope to produce relevant papers and also to examine witness in support of his claim but in spite of getting opportunity he failed to take opportunity of the same.

7. As such after careful consideration of all the facts and circumstances I hold that the concerned workman has failed to justify his claim reasonable before the Tribunal in the matter of recording his date of birth in the Form B Register. In the result the case is liable to be dismissed. Accordingly the following Award is rendered :

“The action of the management of Kankanee Colliery under Sijua Area No. V of BCCL in treating the date of birth of Sri Amrit Lal Jaswar, Miner/Loader as 12-4-1937 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2625.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था ।

[सं. एल-20012/246/85-डी.-III (ए)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 4th September, 2001

S. O. 2625.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 3-9-2001.

[No. L-20012/246/85-D-III (A)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under
Section 10 (1) (d) of the I. D. Act, 1947.

Reference No. 108 of 1986

PARTIES :

Employers in relation to the management
of Sendra Bansjora Colliery of M/s. BCCL
and their workman.

APPEARANCES :

On behalf of the workman : Shri D. Mukherjee,
Secretary,
Bihar Colliery Kamgar
Union.

On behalf of the management : Shri B. Joshi,
Advocate.

State : Jharkhand Industry : Coal.
Dhanbad, the Dated, 26th July, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (246)/85-D-III (A), dated, the 19th February, 1986.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Limited should provide employment as Badli worker to Smt. Harni

Kamin, ex-casual Wagon Loader, although she may not be having a male dependant to offer for employment in her place, is justified ? If so, to what relief is the female worker entitled ?"

2. The case of the concerned workman in brief as per W. S. is as follows :

It has been submitted by the concerned workman that originally she was appointed as permanent wagon loader against permanent vacancy by the management. She submitted that she had put in continuous service and had put in 240 days attendance. Inspite of her work as Wagon Loader the management had stopped her from duty without assigning any reason and without affording her any opportunity illegally and arbitrarily against the principles of natural justice. As a result she submitted her representation before the management several times for allowing her to resume her duties but to no effect. Thereafter the management as per decision took a policy to employ the workman as Badli whosoever put in 75 days attendance in a calendar year of 1973-76, and according to that decision many workmen were re-employed by the management but the management did not consider her case though her name was enrolled as Badli workman. Due to this discrimination and anti-labour policy of the management she raised an industrial-dispute before the ALC (C) for conciliation but the same was ended in failure due to the adamant attitude of the management. Accordingly the matter was referred to the Ministry resulting reference to this Tribunal. The concerned workman has prayed for passing an Award directing the management to reinstate her in service with payment of full back wages.

3. The management on the contrary after filing W. S.-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in her W. S. They submitted that the concerned workman was employed as unlisted wagon loader in the year 1973 and she worked there for some time in the same year. She did not offer herself for employment as unlisted wagon loader subsequently for the reasons best known to her. Thus she left her casual employment in the year 1973 on her own and accordingly the present belated claim for employment as badli worker is without any justification. The management further submitted that they issued a circular dt. 4-8-80 for employment of Badli Miner/loader out of casual wagon loader as per the requirement of different collieries on the basis of number of days put by them during the period 1973-76. As female workers could not

be employed as Miner/loader their case at that time was not considered inspite of the said circular. In certain cases at the request of the union the male dependants of female casual workers were enrolled as badli Miner/loader taking into consideration the length of service of the female workers to meet the need at that time. There was absolutely no scope of employment of female worker as Badli Miner/Loader because of the fact that female workers are not permitted to work inside the mine under the provision of the Mines Act, 1952. They are also unsuitable to carry on heavy hard manual jobs of Miner/loaders apart from their being unsuitable for the job of underground employment. The management also denied the fact of existence of any circular to give employment to ex-casual wagon loader as Badli worker and the present claim is not based on any policy decision of the management. Accordingly, the management has prayed for passing an Award to the effect that the concerned workman is not entitled to get any relief as prayed for.

4. The points for decision in this case are :

“Whether the demand of Bihar Colliery Kamgar Union that the management of Sendra Bansjora Colliery of M/s. B.C.C.L should provide employment as Badli worker to Smt. Harni Kamin, ex-casual Wagon loader, although she may not be having a male dependant to offer for employment in her place is justified ? If so, to what relief is this female worker entitled ?”

5. Decisions with Reasons

It is the specific contention of the concerned workman that he was permanent wagon loader against permanent vacancy under the management. The allegation of the concerned workman is that he was illegally and arbitrarily stopped from her work and as a result she made representation to consider her case but the management did not consider her representation. The concerned workman further submitted that on the basis of policy decision many workman have been re-employed under the management and relying on the said policy decision her name was also enrolled as badli workman but she was not allowed to resume her duty. The management totally denied this fact. It is the specific claim of the concerned workman that he worked under the management for more than 240 days in a calendar year during her employment there. It is also the claim of the concerned workman that her name as per policy decision was also enrolled as badli worker but her case was not at all considered. It is seen that a reference was

made before the ALC (C) raising an industrial dispute by the concerned workman but as the said reference ended in failure the instant case is coming up for consideration before the Tribunal. It is seen from the record that in spite of giving several chances the concerned workman did not consider necessary to appear before this Court in order to substantiate her claim. No evidence is forthcoming before the Court that the concerned workman was employed by the management and in a calendar year she worked for more than 240 days. No evidence is also forthcoming before the Court that as per policy decision her name was enrolled as badli worker but the management subsequently refused to give her employment. I have considered the W. S.-cum-rejoinder of the management carefully and the management categorically denied all the claim of the concerned workman to rebut the claim of the management. The concerned workman had the scope to adduce evidence and to call for the requisite document but the concerned workman did not consider to do so. On the contrary she absented herself for long years. As such just relying on the claim made in the W.S. at this stage I do not find any sufficient ground to uphold her contention. In the result, the following Award is rendered :

“The demand of Bihar Colliery Kamgar Union that the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Limited should provide employment as Badli worker to Smt. Harni Kamin, ex-casual wagon loader although she may not be having a male dependent to offer for employment in her place is not justified. Consequently, She is entitled to no relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2626.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार वी.सी.सी.एल. के प्रबंधन के संबद्ध निवासियों और उनके कर्मचारियों के बीच, अनुबंध से निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के फाउंड का प्रकाशित करती है, जो केन्द्रीय सरकार की 3-9-2001 को प्राप्त हुआ था ।

[सं. एल-20012/330/95-आर्द और (सी-1)]

एच.एस. गुप्ता, अवर सचिव

New Delhi, the 4th September, 2001

S.O. 2626. In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Dhan-

bad as shown in the Annexure in the Industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 3-9-2001

[No. L-20012/ 330/95-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE No. 140 of 1996

PARTIES : Employers in relation to the management of Sijua Area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Shri D.K. Verma, Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 20th August, 2001.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/330/95-IR (Coal)-I dated the 7th Nov., 1996.

SCHEDULE

"Whether the Demand by the Union for age review of Shri Ram Prasad Nonia after his superannuation by the management is legal and justified? If so, to what relief is the workman entitled?"

2. Soon after the receipt of the order of reference the same was registered as Reference No. 140 of 1996. Thereafter when the workman side abstained from appearing before this Tribunal for filing their W.S documents etc., Registered notices were sent to them. But in spite of the issuance of notices to them the workman side neither appeared before this Tribunal nor took any steps. It further reveals from the record that as many as 21 adjournments were granted and registered notices were issued to them. But in spite of the issuance of notices to the workman side did not consider necessary to appear before this Tribunal for filing W.S. docu-

ments etc. The management side all along caused their appearance through their Learned Advocate Shri D. K. Verma. Since the workman side abstained from appearing before this Tribunal for taking steps in this reference on their behalf in spite of issuance of registered notices it can be presumed that no dispute is existing between the workman and the management presently. This reference is pending before this Tribunal since 1996 and it is of no use to drag the same for years together. Under such circumstances a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the workman and the management presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2627.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वी.सी.सी.एल. के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-20012/437/93-आईएन (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 4th September, 2001

S.O. 2627.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of BCCL and their workman, which was received by the Central Government on 3-9-2001

[No. L-20012/437/93/IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT

Shri B. Biswas,

Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 17 of 1995

PARTIES :

Employers in relation to the management of Block II Area of M/s. Bhart Coking Coal Ltd. and their workman.

APPEARANCES

On behalf of the workman : None:
 On behalf of the employers : Shri B. Joshi
 Advocate.
 State : Jharkhand Industry: Coal

Dated, Dhanbad, the 21st August, 2001

AWARD

The Govt of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/437/93/I.R. (Coal-I), dated the 10th February, 1995.

SCHEDULE

"Whether the demand of the Bihar Colliery Mazdoor Sangh, Dhanbad on the management of Block II Area of M/s. Bharat Coking Coal Limited Dhanbad for the placement of Shri K.P. Singh, Dhowra Supervisor in Clerical Grade-I on the basis of performance of his work is justified? If so, to what relief is the concerned workman entitled?"

2. The case of the concerned workman as per W.S. in brief is as follows :

The concerned workman in his W.S. submitted that in Clerical Grade-III he has been working as Dhowra Supervisor since the beginning of 1985 whereas S/Shri Sudhir Chand Jha and Umesh Chandra Mishra who were appointed initially as trainee in time rated category -I respectively on 21-2-84 and 1-3-84 were promoted directly in Clerical Grade-II on 15-5-85 and 1-3-85 respectively. They were further promoted to Grade-I as Clerk on 27-3-92. Again Shri B.S. Choudhary, D. Kumar Dutta, Santan Singh and Shyam Narayan Choudhary who were initially appointed as trainee in Time rated Category-I respectively on 15-6-90, 3-6-91, 15-6-90 and 8.10.87 were promoted to Grade-II Clerk respectively on 1.1.92, 1.1.92, 1.1.92 and 21-10-92. The concerned workman submitted that all the employees named above were junior to him in Clerical Grade but they superseded him in Superior Clerical Grade at the Whims of the management and thereby the management made serious injustices to him. The management also did not assign any reason of superseding him by the workman named above. Accordingly the matter was taken up by the union and during conciliation on examination of all papers the management was directed by the ALC(C) to consider his prayer. That too did not yield any result. Finding no other way an industrial dispute was raised by the union which resulted reference to this Tribunal.

2863 GI/2001—22

3. The management on the contrary after filing W.S. cum-rejoinder has denied all the claims and allegations which the concerned workman asserted in the W.S. It has been submitted by the management that the concerned workman was posted as Dhowra Supervisor at Block II area and as per his designation and nature of job required to be performed he was placed in Clerical Grade-III according to the provisions of Coal Wage Board Recommendations and NCWAS. The management further submitted that a Dhowra Supervisor is entitled to Clerical Grade-III and in no circumstances he can claim higher grades viz. Grade-II and Grades-I. The management further submitted that the concerned workman all along performing the duties of Dhowra Supervisor and there was no cadre scheme for promotion of Dhowra Supervisor from Grade-III to II and from Grade-II to I. Accordingly in absence of any cadre scheme the concerned workman cannot demand for his promotion by performing the job of Dhowra Supervisor. It has been further submitted that the concerned workman made an attempt to make out a case that the persons who were appointed subsequently to him were posted in Grade-III or Grade II and have been promoted to grade I whereas he is continuing in Grade-III. It is submitted that the clerical personnel have got different cadres such as accounts cadre store Cadre, secretariat cadre, finance cadre. Therefore, the clerical personnel belonging to a particular cadre are grouped together and their promotions are decided according to the cadre scheme. So far Dhowra Supervisor is concerned he does not belong to any clerical cadre considering the nature of job required to be performed by him. He has to look after the welfare matters relating to Dhowra and sanitations, supply of fuel to the workers residing in the Dhowra. Accordingly the management submitted that the demand of the concerned workman for Clerical Grade-I is without any merit and the same is liable to be rejected.

4. The points for consideration in this reference are :

"Whether the demand of the Bihar Colliery Mazdoor Sangh, Dhanbad on the management of Block II Area of M/s. Bharat Cooking Coal Limited, Dhanbad for the placement of Shri K.P. Singh, Dhowra Supervisor in Clerical Grade-I on the basis of performance of his workman is justified? If so, to what relief is the concerned workman entitled? "

5. DECISIONS WITH REASONS

It is admitted fact that the concerned workman was Dhowra Supervisor and placed in Clerical Grade-III. It is the specific contention of the concerned workman that S/Shri Sudhir Chandra

Jha, Umesh Chandra Mishra, B.S. Choudhury D. Kumar Dutta, Santan Singh and Shyam Narayan Choudhury though initially were appointed in Clerical Grade-III subsequently were promoted to Clerical II and thereafter to Clerical Grade-I by order of the management though the management was fully aware that they were junior to the concerned workman. It is the specific allegations of the concerned workman that the management illegally arbitrarily and violating the principles of natural justice ignored his promotion - considering the promotions of the juniors. As a result of which he was superseded in a very ugly manner by them. On the contrary it is the contention of the management that Dhowra supervisor is entitled to Clerical Grade-III and in no circumstances he can claim higher Grade-II or Grade-I. According to the nature of job of Dhowra Supervisor the concerned workman as per Wage Board Recommendations and NCWA was placed in Clerical Grade-III. The management further submitted that clerical personnel have got different cadres and they have been promoted according to the cadre scheme. So far Dhowra Supervisor is concerned they did not belong to any Clerical Grade but placed in Clerical Grade-III considering the job performed by them. Therefore, the point which has to be considered here is whether the job of Dhowra Supervisor comes within the cadre scheme or not. It is seen from the record that after filing W.S. by the concerned workman several opportunities were given to him to cause his appearance and to take steps in the matter of hearing the instant case but in spite of getting opportunity the concerned workman did not consider necessary to appear before the Tribunal. Onus absolutely lies on the concerned workman to establish if Dhowra Supervisor is independent cadre and the employees who were junior to him and who had been promoted to Clerical Grade-II and Grade-I hold equal status with the cadre of the concerned workman. The management has categorically denied the status of the concerned workman equal to that of the status of the workmen whose names the concerned workman referred in connection with the reference case. Until and unless this fact is established by the concerned workman just on the basis of his claim there is no scope to consider his prayer for getting his promotion to Grade-II or to Grade-I. I have carefully considered all the facts and circumstances disclosed in the W.S. submitted by the concerned workman and the W.S. cum rejoinder submitted by the management. As excepting the facts disclosed in the W.S. no incriminating material is forth-coming before the Court in support of the claim of the concerned workman I do not find any just and proper ground to uphold his contention. Under the circumstances,

I do not find anything relying on which it can be said that the management illegally and arbitrarily and violating the principles of natural justice ignored the promotion of the concerned workman. Accordingly the concerned workman is not entitled to get any relief. In the result, the following Award is rendered:-

"The demand of the Bihar Colliery Mazdoor Sangh, Dhanbad on the management of Block-II Areas of M/s. Bharat Coking Coal Limited Dhanbad for the placement of Shri K.P. Singh, Dhowra Supervisor in Clerical Grade-I on the basis of performance of his work is not justified. Consequently the concerned workman is not entitled to get any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2628.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, केन्द्रीय सरकार ईस्को के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-20012/471/94-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 4th September, 2001

S.O. 2628.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IISCO and their workman, which was received by the Central Government on 3-9-2001.

[No. L-20012/471/94-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.2) AT
DHANBAD

PRESENT

Shri B. Biswas,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 157 OF 1993

PARTIES : Employers in relation to the management of Chasnalla Colliery of M/s. IISCO and their workman.

APPEARANCES:

On behalf of the workman Shri D.N. Dhiwar, the concerned workman himself.
On behalf of the employers Shri B. Joshi, Advocate.
State : Bihar Industry : Coal

Dated, Dhanbad, the 21st August, 2001.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/471/94-I.R. (Coal-I), dated, the 26th October, 1995.

SCHEDULE

“Whether the action of the management of Chasnalla Colliery of M/s. IISCO Ltd., is justified in denial of promotion from Technical & Supervisory Grade ‘C’ to Grade ‘B’ to Shri D.N. Dhiwar? If not, to what relief Shri Dhiwar is entitled?”

2. In this reference both the parties appeared and filed their respective W.S. Thereafter the case proceeded along its course. Subsequently when the case was fixed for evidence a petition was submitted on the side of the workman praying to pass a ‘No dispute’ Award as the instant dispute has been settled between the parties. I heard both the side on the said petition and no objection was raised on the side of management if ‘No dispute’ Award is passed in this reference Accordingly a ‘No dispute’ Award is rendered and the reference is disposed of on the basis of the ‘No dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2629—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.बी.पी.सी. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल-20040/66/95-आई आर. (सी-1)]

एम.एस. गुप्ता, अवर सचिव

New Delhi, the 4th September, 2001

S.O.2629.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of IBPC and their workman, which was received by the Central Government on 3-9-2001.

[No. L-20040/66/95-IR (C-1)]
S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT

Shri B. Biswas Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 117 of 1996

PARTIES: Employers in relation to the management of M/s. I.B.P.C. Ltd. and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : None.

State : Jharkhand Industry : Petroleum.

Dated, Dhanbad, the 20th August, 2001.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20040/66/95-I.R. (Coal-I), dated the 26th September, 1996.

SCHEDULE

“Whether the claim of Shri Mahendra Kum Sharma that the management of I.B.P.C. Ltd., Bhiwari, Distt. Alwar illegally terminated his services w.e.f. 31-7-1994 without following provisions of Section 25-F is justified? If so, to what relief is the workman entitled?”

2. In this reference none of the parties turned up before this Tribunal nor took any steps. Thereafter registered notices were sent to them but in spite of the issuance of notices to them they did not consider necessary to appear before this Tribunal and taking any steps. The reference is pending since 1996 and there is no reason to keep the same alive year after for taking steps by the parties. Under such circumstances, ‘No dispute’ Award is rendered and the reference is disposed of on the basis of ‘No dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 4 सितम्बर, 2001

का.आ. 2630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-2001 को प्राप्त हुआ था।

[सं. एल. 24012/94/86-डी-IV(बी)(सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 4th September, 2001

S.O.2630. In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 3-9-2001.

[No. L-24012/94/86-D-IV(B)(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 55 of 1987

PARTIES :

Employers in relation to the Management of Kathara Colliery of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Jharkhand

INDUSTRY : Coal

Dated, Dhanbad, the 20th August, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(94)/86-D-IV(B), dated, the 12th January, 1987.

SCHEDULE

"Whether the action of the Management of Kathara Colliery of C.C. Ltd., P.O. Kathara, Dist. Giridih in retiring Sh. Bhuneswar Ram Rabani, Cat. II Mazdoor is legal and justified? If not, to what relief the workman concerned is entitled?"

2. The case of the concerned workman as per W.S. in brief is as follows:—

The concerned workman in his W.S. submitted that he started his employment under the management with effect from 24-8-57 at Bokaro Colliery and thereafter he was

transferred to Kathara Colliery on 16-6-72. It has been submitted by the concerned workman that the management maintained all the relevant papers including service records of each workman and taking the opportunity of the same without his knowledge the management surreptitiously recorded his date of birth as 6-12-24 arbitrarily and illegally. He submitted that when he came to know about his date of birth as 6-12-24 he raised his objection and submitted representation before the management on 5-7-84. But the management kept the matter pending for almost a year and thereafter sent him for medical examination on 27-9-85. But by that time the management superannuated him with effect from 6-12-84. Even the management did not disclose the result of his medical examination in spite of his appearance there. For such arbitrary act of the management the concerned workman submitted petition before the ALC(C) for conciliation. But as it ended in failure the present reference was made.

3. The management on the contrary after filing W.S.-cum-rejoinder has denied all claims and allegations which the concerned workman submitted in his W.S. It has been categorically submitted by the management that the date of birth of the concerned workman as on 6-12-24 was recorded in the Service Book in presence of the concerned workman and he duly attested the service book after verifying his service particulars. As such the concerned workman's claim of wrong recording of his date of birth in the service book finds no basis at all. In the result, the management has prayed for rejection of the prayer of the concerned workman.

4. The points for consideration in this reference are:—

"Whether the action of the management of Kathara Colliery of C.C. Ltd., P.O. Kathara, Dist. Giridih in retiring Sh. Bhuneswar Ram Rabani, Cat. II Mazdoor is legal and justified? If not, to what relief the workman concerned is entitled?"

DECISION WITH REASONS

5. There is no dispute to hold that the concerned workman was an employee under the management and he got his superannuation from Kathara Colliery with effect from 6-12-84. The management has categorically denied the fact that illegally and surreptitiously the date of birth of the concerned workman in the service book was recorded as 6-12-24 concealing his actual date of birth. It has been further submitted that the service book of the concerned workman was duly attested by him after recording all the service particulars in his presence. It is the specific contention of the concerned workman that his date of birth was wrongly recorded in his service book but in spite of claiming so the concerned workman did not disclose what was his actual date of birth. The concerned workman had got ample scope to produce relevant papers in support of his claim. The record shows that in spite of giving several chances the concerned workman did not take any step for production of relevant documents. On the contrary it is seen that he remained absent for a long period. This silence on the part of the concerned workman shows clearly that though he raised the dispute relating to his date of birth as per W.S., subsequently receded from his claim. Had that been not so the concerned workman definitely would have appeared before the Tribunal in order to substantiate his claim. After careful consideration of all the facts and circumstances I do not find any merit in the claim of the concerned workman as per his W.S. The claim of the concerned workman, as a result, is liable to be dismissed. Accordingly the following Award is rendered:—

"The action of the management of Kathara Colliery of C.C. Ltd., P.O. Kathara, Dist. Giridih in retiring Sh. Bhuneswar Ram Rabani, Cat. II Mazdoor is legal and justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 6 सितम्बर, 2001

का.आ. 2631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी.लि. के प्रबंधन के संबंध में नियोजकों

और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-2001 को प्राप्त हुआ था।

[सं. एल-30012/56/98-आई आर (सी-1)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 6th September, 2001

S.O. 2631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC and their workman, which was received by the Central Government on 5-9-2001.

[No. L-30012/56/98-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI P.R. DAVE, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

Ref. (ITO) No. 58 of 1999

ADJUDICATION

BETWEEN

Oil & Natural Gas Commission, Mehsana. . . First party.

Vs.

The workmen employed under it. . . Second party

In the matter of the demand for treating Shri Rashmikant N. Patel working at canteen of ONGC Ltd. Mehsana as the workmen of ONGC Ltd. and giving him appropriate wages etc.

APPEARANCES :

Shri K.V. Gadhia and Mr. M.K. Patel for the first party.

None for the Second Party.

AWARD

This industrial dispute between Oil and Natural Gas Commission, Mehsana and the workmen employed under it has been referred for adjudication u/s. 10(1) of the I.D. Act, 1947 to this Tribunal as per the schedule given below: by the Desk Officer, Ministry of Labour, Govt. of India under the No. ADL/5(30)/97-RLC Ltd. nil.

"Whether the demand of the union for treating Shri Rashmikant N. Patel working at canteen of ONGC Ltd. Mehsana as the workmen of ONGC Ltd. Mehsana and demand for appropriate wages is proper and justified? If so, what relief the concerned workman is entitled to?"

Notices were issued to both the parties calling upon them to file their respective statement on 18th March, 1999. However as per Ex. 4 as settlement mutually arrived at by the parties was produced on 13-5-1999. I have gone through the terms of settlement and I find that it is just and proper at in the interest of both the parties. Hence I pass the following order.

ORDER

Both the parties have arrived at a compromise and present this settlement before the Tribunal. Terms of settlement appear just and proper and also in circumstances of the reference. Hence settlement is recorded and an Award in terms of settlement is passed.

Ahmedabad, 5th June, 1999.

P. R. DAVE, Industrial Tribunal

BEFORE THE INDUSTRIAL TRIBUNAL AT AHMEDABAD

REFERENCE NO. 12 OF 1996

& NO. 48/1999

BETWEEN

THE GGM (Projects),
ONGC LIMITED,
MEHSANA PROJECTS,
MEHSANA AND OTHERS.

FIRST PARTY

&

ITS WORKMEN EMPLOYED UNDER IT,
SECOND PARTY

(THROUGH ONGC EMPLOYEES UNION,
MEHSANA BR. MEHSANA).

It is respectfully submitted that second party had raised the dispute for treating 14 workmen working in ONGC canteen at Mehsana Project of ONGC as the workmen of the ONGC Ltd. The said dispute is referred to IT, Ahmedabad for adjudication by Ministry of Labour, Govt. of India, New Delhi vide Order No. L-20040/39/95-IR(Coal-1) dated 22-4-96 and was registered as ITC No. 12/96, the schedule of reference being, "Whether the demand of the union for treating the workmen (listed in the enclosed annexure) of the canteen working at ONGC Ltd. Mehsana as the workmen of the ONGC Ltd. Mehsana is proper and justified? If so, to what relief the concerned workmen are entitled to and from which date?"

It is further submitted that during the course of proceedings before Hon'ble Tribunal, it was submitted by the second party that there are total 20 workmen working the canteen of ONGC Ltd. Mehsana. Besides, the 14 workmen, the 5 workmen have approached the Hon'ble High Court vide SCA 4279 of 1992 for regularisation. With regard to one workman one Shri Rashmikant N. Patel has raised the dispute and referred to IT, Ahmedabad the schedule of reference is as under:

"Whether the demand of the union for treating Shri Rashmikant N. Patel working at canteen of ONGC Ltd., Mehsana as the workman of ONGC Ltd. Mehsana and demand for appropriate wages is proper and justified? If

so, what relief the concerned workman is entitled to?

The said reference is registered as Reference ITC No. 48 of 99.

During the pendency of these references both the parties have discussed the issue on various occasions and finally arrived at amicable settlement and requested Hon'ble Tribunal to pass final award in terms of settlement.

TERMS OF SETTLEMENT

1. That all the 14 workers whose names are given in the Annexure to the reference shall be absorbed in ONGC as Khalasi Gr. III in the pay scale of Rs. 2340 w.e.f. 10-10-94 with full consequential benefits, without any benefits of whatsoever nature for period earlier to 10-10-94.

2. That the canteen workers named Shri Rashmikant N. Patel who is involved in ITC No. 48 of 99 shall be absorbed in ONGC as Jr. Helper in the pay scale of Rs. 2282 with effect from 1-1-97 with full consequential benefits without any benefits of whatsoever nature for the period earlier to 1-1-97.

3. That the arrears of salary, on account of their absorption w.e.f. 10-10-94 and 1-1-97 in the post of Khalasi Gd. III and Jr. helper respectively shall be worked out after adjusting wages received by them since 10-10-94 and 1-1-97, the arrears of payment so arrived at shall be paid to them within a period of fortyfive days from the date of the recording the settlement by the Industrial Tribunal after making certain deductions as per the law.

4. The first party agrees that arrears payable to the workmen will be spread year wise under provisions contained in section 89 of Income Tax Act.

5. On absorption, of these workmen 14+1=15 canteen workers shall continue their work in the canteen at Mchana unless all or any of them are/is required to be posted elsewhere as per the requirement of ONGC and these workmen shall have no objection of whatsoever nature in this regard.

6. This settlement between the parties is full and final settlement in respect of all 14+1=15 workmen covered in these reference and nothing shall survive hereafter the settlement excepting, what have been

agreed to here in above by both the parties under the settlement. The ONGC Employees Union and all the 15 workmen covered under the references shall not raise any demand or dispute in future against the ONGC for any benefits.

7. This settlement is arrived at by both the parties after fully understanding the implications thereof on their own volition and without any misrepresentation, fear, pressure or coercion whatsoever nature.

Dated : 13th May, 1999.

Ahmedabad.

Sd/-

Signature of First Party

Sd/-

Signature of the Advocate of first party

Sd/-

Signature of Second party of Union

नई दिल्ली, 6 सितम्बर, 2001

का.आ. 2632:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार एअर इण्डिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-2001 को प्राप्त हुआ था।

[सं. एल-11012/8/92-आईआर (विवाद)/सी-1]

एम.एस. गुप्ता, अवसर सचिव

New Delhi, the 6th September, 2001.

S.O. 2632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 5-9-2001.

[No. 1-11012/8/92-IR (Misc.) (C-1)]

S. S. GUPTA, Under Secy.

अनुबंध

समक्ष पीठासीन अधिकारी, श्री रूद्रेश कुमार, केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नई दिल्ली।

औद्योगिक विवाद सं. 28/93

नंदम सं. एल-11012/8/92-आई. आर. (मिसैनिथम), दि. 15-03-93

श्री सुशील कुमार वर्मा,

मुपुत्र श्री चन्द्र मूल वर्मा,

मकान नं. 159, एस.पी. मुखर्जी नगर,

तलक नगर, नई दिल्ली

वनम

कार्मिक अधिकारी (पर्सनल मैनेजर)

एयर इण्डिया, हिमालय हॉटल

कस्तूरबा गांधी मार्ग, नई दिल्ली

पत्रांत

भारत सरकार के अधीन श्रम मंत्रालय द्वारा धारा 10 के उपधारा (i) के उपबन्ध (डी) तथा उप धारा 2(ए) में प्रदत्त शक्तियों का प्रयोग करते हुए निम्न संदर्भित को न्यायिक विचारण हेतु संदर्भित किया गया है।

"Whether the action of the management of Air India in terminating the services of Shri Sushil Kumar Verma w.e.f. 30-12-1986 after having been employed for different spells is justified and legal? If not to what relief the worker is entitled?"

उसमें पक्षकारों द्वारा अपने तथ्यों के साथ मौखिक एवं अभिलेखीय साक्ष्य प्रस्तुत किए गए हैं। श्रमिक के अनुसार एयर इण्डिया के प्रबन्धक द्वारा दि. 17-04-84 को केंटरिंग असिस्टेंट के रूप में नियुक्ति प्रदान की गई थी जो कि दि. 11-11-84 तक चली। पुनः उसे 29-12-84 को स्टोर कीपर के रूप में नियुक्ति की गई थी जो 80 दिनों तक लगातार चली। पुनः दि. 02-08-85 से उसे स्टोर कीपर के पद पर नियुक्ति प्रदान की गई तथा उसकी सेवा संक्षिप्त अवधान के होते हुए अनवरत रूप में चलती रही। क्लेम स्टेटमेंट (दावा पत्र) के पैरा 2सी में नियुक्त अवधि का ब्यौरा तिथिबार दी गई है। श्रमिक सुशील कुमार वर्मा के अनुसार उसकी निरन्तर सेवाओं के उपरान्त भी नियमित नहीं किया गया तथा धारा 25एफ, औद्योगिक विवाद अधिनियम 1947 का लाभ न देने हुए उसकी सेवाएं दि. 04-02-87 में समाप्त कर दी गईं। इसके अतिरिक्त श्रमिक द्वारा यह भी कहा गया है कि, उसका चयन नियमित कर्मचारियों के रूप में किया गया किन्तु चयन के आधार पर नियुक्ति नहीं की गई।

प्रबंधक ने सुशील कुमार वर्मा द्वारा एयर इंडिया में कार्य करने से इन्कार नहीं किया और नहीं इस तथ्य को विवादित बनाया है उनको चयनित करके नियुक्ति की सूची में रखा गया था। किन्तु यह स्पष्ट किया गया है, कि श्रमिक द्वारा एक वर्ष में 240 दिनों की अनवरत सेवा नहीं की गई तथा धारा 25एफ का लाभ नहीं दिया जा सकता है।

उसकी नियुक्ति समय-समय पर लिखित आदेशों द्वारा निश्चित अवधि हेतु की जाती थी जो नियुक्ति अवधि समाप्त हो जाने पर स्वतः समाप्त हो जाती थी। श्रमिक की सेवाएं निश्चित अवधि के लिए संविदा पर थी अतएव धारा 2(00) (बी.बी.) औद्योगिक विवाद अधिनियम के अन्तर्गत "रिट्रेन्चमेंट" की परिभाषा में नहीं आती है।

प्रबंधक द्वारा यह भी कहा गया है कि नियमित नियुक्ति हेतु चयन करके सूची अवश्य बनाई गई थी किन्तु सेवा में नियुक्तियों में रोक के कारण किसी को भी नियुक्ति प्रदान नहीं की गई। श्रमिक को नियुक्ति मांगने का विधिक अधिकारी नहीं है तथा उक्त बिन्दु संदर्भित में भी नहीं दिया गया अतः यह न्यायालय उक्त बिन्दु पर विचारण के लिए सक्षम नहीं है।

विचारणीय प्रश्न है कि क्या श्रमिक सुशील कुमार वर्मा की सेवाएं निश्चित अवधि के लिए संविदा कर दी गई थी जो नियुक्ति पत्र में दिए गए अवधि के समापन पर स्वतः समाप्त हो गई, तथा क्या उसकी आकस्मिक श्रमिक मान कर धारा 25 एफ का लाभ देने हुए अनुतोप दिया जा सकता है।

श्रमिक पक्ष द्वारा पत्र सं. 1356 दि. 19-5-84, पत्र सं. 1808 दि. 11-7-84, पत्र सं. 586 दि. 8-2-85 पत्र सं. 5831 दि. 19-2-85, पत्र सं. 6917 दि. 5-7-85, पत्र सं. 1454 दि. 10-9-85, पत्र सं. 646 दि. 30-9-85, पत्र सं. 1830 दि. 31-10-85, पत्र सं. 780 दि. 8-5-86, पत्र सं. 1566 दि. 17-10-86 तथा पत्र सं. 2004 दि. 25-11-86 को निर्गत नियुक्ति पत्र प्रेषित किए गए हैं इन नियुक्तियों में नियुक्ति की कार्य अवधि एवं वेतन आदि का विवरण दिया गया है जिन पदों पर नियुक्ति प्रदान की गई है उनका उल्लेख भी इन पत्रों में है। प्रबंधक द्वारा इन पत्रों की संख्या के संबंध में कोई विवाद नहीं उठाया गया है। यदि इन पत्रों के आधार पर विचार किया जाए तो औद्योगिक विवाद अधिनियम की धारा 2(00) (बी.बी.) के अनुसार सेवा समाप्त "रिट्रेन्चमेंट" की परिभाषा में नहीं आता है तथा श्रमिक किसी अनुतोप का अधिकारी नहीं बनता।

श्रमिक द्वारा यह सिद्ध नहीं किया गया है कि इसकी सेवाएं आकस्मिक श्रमिक के रूप में की गई थी तथा एक वर्ष में 240 दिनों तक उसने अनवरत सेवा किया था। क्लेम स्टेटमेंट (दावा पत्र) में जो तिथियां दी गई हैं उनके आधार पर यह निष्कर्ष संभव नहीं है कि उसकी सेवाएं एक किसी वर्ष में अनवरत रूप में 240 दिनों तक चली उपर्युक्त परिस्थितियों में श्रमिक को धारा 25 एफ का लाभ भी नहीं दिया जा सकता क्योंकि उसकी नियुक्तियां संविदा पर निश्चित अवधि के लिए की जाती थी। वह आकस्मिक श्रमिक नहीं था तथा धारा 25 एफ के प्रावधान संविदा के श्रमिकों पर लागू नहीं होते।

फलस्वरूप तथ्यों तथा परिस्थितियों के आकलन में प्रबंधक द्वारा संविदा के अनुसार श्रमिक की सेवाएं ली गईं जो स्वतः समाप्त हो गईं। अतः श्रमिक किसी भी अनुतोप का अधिकारी नहीं है पंचाट उपरोक्तानुसार दिया जाता है।

दिनांक 24-08-2001 रूद्रेश कुमार, पीठासीन अधिकारी

नई दिल्ली, 12 सितम्बर, 2001

का.आ. 2633.— कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा 01 अक्टूबर, 2001 की उस तारीख के रूप में नियत करती है, जिसकी उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध परिणित्वरी राज्य के निम्न लिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"विलियमपुर नगर तालुक में भनादिपेट बम्पून (थिसबु-वनाई) क्षेत्र के अन्तर्गत आने वाले राजस्व ग्राम-भनादिपेट,

चेट्टीपेट, कुनिचम्पेट, मन्नाडिपेट, वाधानूर, कलिथिरथालकुप्पम, मडागाडिपेट, थिरुवुवनानै, मन्नाडीकुप्पम, थिरुवन्दारकोइल, सोरापेट, वासुपेट, कोडथूर, थैय्याम्पक्कम, सुथुकेनी, पुडुकुप्पम, कट्टेरी, कुप्पम और सेल्लिपेट"।

[सं. एस-38013/21/2001-एस एस-1]

एम. सी. मित्तल, उप सचिव

New Delhi, the 12th September, 2001

S.O. 2633.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Pondicherry namely : —

"Areas comprising the Revenue Villages of Manalipet, Chettipet, Kunitchampet, Mannadipet, Vadhanur, Kalithirthalkuppam, Madagadipet, Thirubuvanai, Sanyasikuppam, Thiruvandarkoil, Sorapet, Vambupet, Kodathur, Thetthampakkam, Suthukeny, Pudukuppam, Kattery, Kuppam & Sellipet in Mannadipet Comune (Thirubuvanai), Villanur Sub-Taluk."

[No. S-38013/21/2001-SS.1]

M. C. MITTAL, Dy. Secy.

नई दिल्ली, 17 सितम्बर, 2001

का.आ. 2634.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि सीमेंट उद्योग में सेवाओं को जिन औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 3 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किए जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. ए.ए-11017/12/97-ओ सं (नौ वि)]

एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 17th September, 2001

S.O. 2634.—Whereas the Central Government is satisfied that the public interest requires that the services in the Cement Industry which is covered by item 3 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility services for the purposes of the said Act :

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/12/97-IR (PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 18 सितम्बर, 2001

का.आ. 2635.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 582 दिनांक 7 मार्च, 2001 द्वारा बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 मार्च, 2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 सितम्बर, 2001 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/5/97-आईआर (पी एल.)]

एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 18th September, 2001

S.O. 3635.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 582 dated 7th March, 2001 the services in the Banking Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 19th March, 2001.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months:

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said Industry to be a public utility service for the purposes of the said Act for a period of six months from the 19th September, 2001.

[No. S-11017/5/97-IR(PL)]

H. C. GUPTA, Under Secy.